

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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IN RE: NATIONAL PRESCRIPTION MDL No. 2804  
OPIATE LITIGATION

Case No.  
17-md-2804

Judge Dan Aaron  
Polster

This document relates to:  
The County of Summit, Ohio, et al. v. Purdue  
Pharma L.P., et al.

Case No. 18-OP-45090 (N.D. Ohio)

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Videotaped Deposition of

KENNETH R. BALL II

November 7, 2018
9:04 a.m.

Taken at:

Hilton Garden Inn
1307 East Market Street
Akron, Ohio

Stephen J. DeBacco, RPR

<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES:</p> <p>2</p> <p>3 On behalf of the City of Akron, Summit</p> <p>4 County, and the Witness:</p> <p>5 Motley Rice LLC, by</p> <p>6 JAMES W LEDLIE, ESQ</p> <p>7 CAROLINE RION, ESQ</p> <p>8 28 Bridgeside Boulevard</p> <p>9 Mt Pleasant, South Carolina 29464</p> <p>10 (843) 216-9252</p> <p>11 jledlie@motleyrice.com</p> <p>12 (843) 216-9168</p> <p>13 crion@motleyrice.com</p> <p>14</p> <p>15 On behalf of McKesson Corporation:</p> <p>16 Covington & Burling, by</p> <p>17 JENNIFER SAULINO, ESQ</p> <p>18 One CityCenter</p> <p>19 850 Tenth Street Northwest</p> <p>20 Washington, D C 20001-4956</p> <p>21 (202) 662-5305</p> <p>22 jsaulino@cov.com</p> <p>23</p> <p>24 -and-</p> <p>25</p> <p>26 Covington & Burling, by</p> <p>27 STEPHEN F RAIOLA, ESQ</p> <p>28 One CityCenter</p> <p>29 850 Tenth Street Northwest</p> <p>30 Washington D C , 20001-4956</p> <p>31 202-662-5786</p> <p>32 sraiola@cov.com</p> <p>33</p> <p>34 ~ ~ ~ ~ ~</p> <p>35</p>	<p style="text-align: right;">Page 4</p> <p>1 APPEARANCES, Continued:</p> <p>2 On behalf of Walgreens:</p> <p>3 Bartlit Beck LLP, by</p> <p>4 MATTHEW BREWER, ESQ</p> <p>5 54 West Hubbard Street</p> <p>6 Chicago, Illinois 60654</p> <p>7 (312) 494-4432</p> <p>8 batthew.brewer@bartlitbeck.com</p> <p>9</p> <p>10 On behalf of Allergan Finance, LLC, via</p> <p>11 Veritext Virtual:</p> <p>12</p> <p>13 Kirkland & Ellis LLP, by</p> <p>14 TUCKER HUNTER, ESQ</p> <p>15 300 North LaSalle</p> <p>16 Chicago, Illinois 60654</p> <p>17 (312) 862-3758</p> <p>18 tucker.hunter@kirkland.com</p> <p>19</p> <p>20 On behalf of Cardinal Health, Inc :</p> <p>21</p> <p>22 Williams & Connolly LLP, by</p> <p>23 MIRANDA PETERSEN, ESQ</p> <p>24 725 12th Street Northwest</p> <p>25 Washington, D C 20005</p> <p>26 (202) 434-5686</p> <p>27 mpetersen@wc.com</p> <p>28</p> <p>29 On behalf Endo Health Solutions, Inc ,</p> <p>30 and Endo Pharmaceuticals, Inc :</p> <p>31 Arnold & Porter, by</p> <p>32 JOHN D LOMBARDO, ESQ</p> <p>33 777 South Figueroa Street</p> <p>34 44th Floor</p> <p>35 Los Angeles, California 90017-5844</p> <p>36 john.lombardo@arnoldporter.com</p> <p>37</p> <p>38 ~ ~ ~ ~ ~</p> <p>39</p> <p>40</p> <p>41</p> <p>42</p> <p>43</p> <p>44</p> <p>45</p>
<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES, Continued:</p> <p>2 On behalf of Johnson & Johnson and</p> <p>3 Janssen Pharmaceuticals, Inc :</p> <p>4</p> <p>5 Tucker Ellis, LLP, by</p> <p>6 BRENDA A SWEET, ESQ</p> <p>7 950 North Main Avenue, Suite 1100</p> <p>8 Cleveland, Ohio 44113</p> <p>9 (216) 696-2493</p> <p>10 brenda.sweet@tuckerellis.com</p> <p>11</p> <p>12 On behalf of Endo Health Solutions, Inc ,</p> <p>13 and Endo Pharmaceuticals, Inc , via</p> <p>14 Teleconference:</p> <p>15</p> <p>16 Baker Hostetler, by</p> <p>17 TERA N COLEMAN, ESQ</p> <p>18 Key Tower</p> <p>19 127 Public Square, Suite 2000</p> <p>20 Cleveland, Ohio 44114-1214</p> <p>21 (216) 861-7582</p> <p>22 tcoleman@bakerlaw.com</p> <p>23</p> <p>24 On behalf of Prescription Supply, Inc :</p> <p>25 Pelini, Campbell & Williams, by</p> <p>26 KRISTEN E CAMPBELL TRAUB, ESQ</p> <p>27 Bretton Commons, Suite 400</p> <p>28 8040 Cleveland Avenue Northwest</p> <p>29 North Canton, Ohio 44720</p> <p>30 (330) 305-6400</p> <p>31 kec@pelini-law.com</p> <p>32</p> <p>33 On behalf of Walmart, Inc :</p> <p>34</p> <p>35 Jones Day, by</p> <p>36 LISA B GATES, ESQ</p> <p>37 901 Lakeside Avenue</p> <p>38 Cleveland, Ohio 44114-1190</p> <p>39 (212) 586-7154</p> <p>40 lgates@jonesday.com</p> <p>41</p> <p>42 ~ ~ ~ ~ ~</p> <p>43</p> <p>44</p> <p>45</p>	<p style="text-align: right;">Page 5</p> <p>1 APPEARANCES, Continued:</p> <p>2</p> <p>3 On behalf of AmerisourceBergen, via</p> <p>4 Teleconference:</p> <p>5 Reed Smith, LLP, by</p> <p>6 NICHOLAS R. RODRIGUEZ, ESQ.</p> <p>7 Three Logan Square</p> <p>8 1717 Arch Street, Suite 3100</p> <p>9 Philadelphia, Pennsylvania 19103</p> <p>10 (215) 241 7947</p> <p>11 nrodriguez@reedsmith.com</p> <p>12</p> <p>13 ~ ~ ~ ~ ~</p> <p>14</p> <p>15 ALSO PRESENT:</p> <p>16 Richard Hand, Morgan, Lewis &</p> <p>17 Bockius, via Teleconference</p> <p>18</p> <p>19 Shaun Crum, Legal Videographer</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>26</p> <p>27</p> <p>28</p> <p>29</p> <p>30</p> <p>31</p> <p>32</p> <p>33</p> <p>34</p> <p>35</p>

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<p style="text-align: right;">Page 14</p> <p>1 THE VIDEOGRAPHER: The date is 2 November 7, 2018. We're on the record at 3 a.m. 4 This is the deposition of Kenneth 5 Ball, in the matter of In Re: National 6 Prescription Opiate Litigation in the United 7 States District Court, Northern District of 8 Ohio, Eastern Division. 9 Will counsel please state 10 appearances for the record. 11 MS. SAULINO: Jennifer Saulino, 12 Covington & Burling, for McKesson. 13 MR. RAIOLA: Stephen Raiola, 14 Covington & Burling, for McKesson. 15 MS. SWEET: Brenda Sweet from 16 Tucker Ellis on behalf of Janssen 17 Pharmaceuticals, Inc. 18 MS. PETERSEN: Miranda Petersen, 19 Williams & Connolly, on behalf of Cardinal 20 Health, Inc. 21 MS. CAMPBELL: Kristin Campbell, 22 Pelini Campbell & Williams, Prescription 23 Supply, Inc. 24 MR. BREWER: Matt Brewer from 25 Bartlit Beck on behalf Walgreens.</p>	<p style="text-align: right;">Page 16</p> <p>1 BY MS. SAULINO: 2 Q. Good morning, Chief Ball. 3 A. Good morning. 4 Q. Before we get started, could you 5 just state and spell your full name for the 6 record? I know it's not very hard to spell, 7 but it's something we do. And then also give 8 us your address. 9 A. Kenneth, K-e-n-n-e-t-h, Ray, R-a-y, 10 Ball, B-a-l-l, and I'm the Second. 11 My address is 76 Sand, S-a-n-d, 12 Run, R-u-n, Road. That's in Akron, Ohio 44313. 13 Q. Thank you. As you just heard, my 14 name is Jennifer Saulino. I'm with a law firm 15 called Covington & Burling, and we represent 16 McKesson Corporation in this matter. 17 Chief Ball, where are you currently 18 employed? 19 A. With the City of Akron, the Akron 20 Police Department. 21 Q. And have you been deposed before? 22 A. I have. 23 Q. How many times? 24 A. I think it was one. 25 Q. Do you know what kind of a case?</p>
<p style="text-align: right;">Page 15</p> <p>1 LISA GATES: Lisa Gates from Jones 2 Day on behalf of Walmart. 3 MR. LOMBARDO: John Lombardo from 4 Arnold & Porter on behalf of the Endo 5 Defendants. 6 MR. LEDLIE: James Ledlie from 7 Motley Rice on behalf of the City of Akron and 8 Summit County. 9 MS. RION: Caroline Rion on behalf 10 of Akron and Summit County. 11 THE VIDEOGRAPHER: Will counsel on 12 the phone please state appearances for the 13 record. 14 MR. RODRIGUEZ: Nicholas Rodriguez 15 of Reed Smith on behalf of AmerisourceBergen. 16 THE VIDEOGRAPHER: It says there's 17 Tucker Hunter on the line too? 18 Okay. Will the court reporter 19 please swear in the witness. 20 KENNETH R. BALL II, of lawful age, called 21 for examination as provided by the Federal 22 Rules of Civil Procedure, being by me first 23 duly sworn, as hereinafter certified, deposed 24 and said as follows: 25 EXAMINATION OF KENNETH R. BALL II</p>	<p style="text-align: right;">Page 17</p> <p>1 A. It was a wrongful death case. I 2 was -- I was executor of the will of my 3 brother. 4 Q. And no others that you can think 5 of? 6 A. No. 7 Q. And have you testified at trial 8 before? 9 A. Yes, I have. 10 Q. How many times? 11 A. I would have no way to recall. 12 Q. Okay. Probably more than 20? 13 A. Yes. 14 Q. More than 50? 15 A. At least. 16 Q. More than 100? 17 A. Probably not. 18 Q. Okay. And what types of cases? 19 A. Variety. From traffic up to 20 aggravated robberies or felonious assaults. 21 Q. And have you testified in matters 22 involving opioid drugs? 23 A. No, I haven't. 24 Q. Any criminal cases? 25 A. No.</p>

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1 Q. Okay. All right. Well, I know
 2 that you're very familiar with some of this
 3 from your trial testimony, but I want to go
 4 over a few ground rules for today.
 5 And the first is that you are
 6 testifying under oath today. It's the very
 7 same oath that you would take in a courtroom,
 8 and so you are obligated to tell the truth just
 9 as you would be in a courtroom.
 10 Is that all right?
 11 A. Yes.
 12 Q. I will do my very best to ask you
 13 questions that you can understand. If you
 14 don't understand ask a -- if you don't
 15 understand a question that I ask, I would ask
 16 you to let me know, and I will try to clarify
 17 it for you.
 18 If you answer a question, I will
 19 assume that you understood it and are answering
 20 it truthfully and to the best of your ability.
 21 Is that fair?
 22 A. Makes sense.
 23 Q. You understand that the court
 24 reporter here is typing everything you and I
 25 both say. And so because of that we need to be

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1 careful not to talk over each other. So I will
 2 do my best to let you finish answering before I
 3 ask another question, and I'd ask you to do the
 4 same for me.
 5 A. Got it.
 6 Q. Your counsel may have objections to
 7 my questions, which is perfectly fine and
 8 normal. Unless he specifically instructs you
 9 not to answer a question, I will expect you to
 10 answer the question. Okay?
 11 A. Okay.
 12 Q. And finally, this is not a
 13 marathon. If at any point you need a break,
 14 just tell me and we will take a break. The
 15 only exception to that is that if there's a
 16 question pending, I may ask you to answer it
 17 before we take the break, but, otherwise, you
 18 can have a break anytime you want one.
 19 A. Okay.
 20 Q. Okay. Is there any reason that you
 21 would not be able to give truthful and complete
 22 testimony today? Any medications or other
 23 conditions that would affect that?
 24 A. No.
 25 Q. Okay. Chief Ball, what did you do

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1 to prepare for today's deposition?
 2 A. I read the complaint. I have met
 3 on a couple of occasions with the counsel.
 4 Q. How many times?
 5 A. Maybe four, including this morning,
 6 briefly.
 7 Q. So this morning briefly?
 8 A. Uh-huh.
 9 Q. Yes?
 10 A. Yes.
 11 Q. Yeah. The other ground rule is you
 12 have to answer with -- with words.
 13 A. Okay.
 14 Q. Okay?
 15 And so three other times beyond
 16 this morning?
 17 A. I think so.
 18 Q. And roughly when were those?
 19 A. Last week, a couple weeks before
 20 that. And I think the first one that I
 21 mentioned was not actually -- I think it was
 22 a -- a more general of, these are the kind of
 23 reports and the kind of information that have
 24 been requested, and they have to be fulfilled,
 25 or, you know, what's that process look like,

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1 those kind of things.
 2 Q. So you were, it sounds like, maybe
 3 trying to respond to document requests? Does
 4 that sound right?
 5 MR. LEDLIE: And I would instruct
 6 the answer -- instruct the witness not to
 7 answer as to the contents of any conversations
 8 that you had with counsel. But if you can do
 9 that -- answer her question without doing that,
 10 go ahead.
 11 Q. I think that one was just an easy
 12 yes or no, because I think that's what you were
 13 saying; is that right? That first meeting,
 14 that you were gathering documents based on
 15 requests?
 16 A. It was finding out about the
 17 request for -- for documents.
 18 Q. Got it. Okay.
 19 So those other two meetings, how
 20 long were they?
 21 A. A couple hours.
 22 Q. All day?
 23 A. No.
 24 Q. Half a day?
 25 A. No.

<p style="text-align: right;">Page 22</p> <p>1 Q. Just a couple hours?</p> <p>2 A. (Witness nodding head.)</p> <p>3 Q. Okay. And who was present?</p> <p>4 A. Myself, James, and Caroline.</p> <p>5 Q. Anybody else?</p> <p>6 A. (Witness shaking head.)</p> <p>7 Q. Did you review any documents to</p> <p>8 prepare?</p> <p>9 A. No.</p> <p>10 Q. Other than the complaint?</p> <p>11 A. What I mentioned previously, the</p> <p>12 complaint.</p> <p>13 Q. Anything else come to mind?</p> <p>14 A. I read your -- I read the subpoena.</p> <p>15 No. Those were the documents that I reviewed.</p> <p>16 Q. Did you review any e-mails?</p> <p>17 A. No.</p> <p>18 Q. What about other court</p> <p>19 related-documents like interrogatories? Do you</p> <p>20 even know what that is?</p> <p>21 A. No.</p> <p>22 Q. Okay. Did you talk to anybody else</p> <p>23 outside of your meetings with counsel about</p> <p>24 this deposition, other than for scheduling</p> <p>25 purposes?</p>	<p style="text-align: right;">Page 24</p> <p>1 extent.</p> <p>2 Q. Okay. And when you say "the Beacon</p> <p>3 Journal," you mean the Akron Beacon Journal?</p> <p>4 A. Yes, I do.</p> <p>5 Q. Which is the local paper?</p> <p>6 A. It is.</p> <p>7 Q. All right. Well, then let me ask</p> <p>8 you this. As you sit here today, are you</p> <p>9 familiar with the lawsuit that we are here for?</p> <p>10 A. Yes, I am.</p> <p>11 Q. And what do you know about it?</p> <p>12 A. I know that obviously we have had a</p> <p>13 significant impact in Akron, Ohio, and I know</p> <p>14 that it's much broader than that, with opioid</p> <p>15 addiction.</p> <p>16 I know the lawsuit is connecting</p> <p>17 prescription -- or prescriptions for opioids to</p> <p>18 this epidemic that's in our country right now;</p> <p>19 that there's a relationship between the way</p> <p>20 that the drugs were manufactured, marketed,</p> <p>21 distributed that is -- has been a significant</p> <p>22 contributor to what we see now and the troubles</p> <p>23 that surround this issue.</p> <p>24 Q. And what led you to that</p> <p>25 understanding?</p>
<p style="text-align: right;">Page 23</p> <p>1 A. No.</p> <p>2 Q. And did you do any --</p> <p>3 A. I mean, other than people are</p> <p>4 aware -- my staff is aware that I was deposed</p> <p>5 today, but I haven't talked about, you know,</p> <p>6 what would be the context of the conversation</p> <p>7 this morning or anything like that.</p> <p>8 Q. Right. Fair enough. And that's</p> <p>9 what I meant by scheduling, so.</p> <p>10 A. Right. Okay.</p> <p>11 Q. Did you do any independent</p> <p>12 research, like on the Internet?</p> <p>13 A. No.</p> <p>14 Q. Have you done at any point any</p> <p>15 research on the opioid litigation that's going</p> <p>16 on?</p> <p>17 A. No, I would -- I've not -- I</p> <p>18 wouldn't say research. I didn't purposely go</p> <p>19 out and find material, but there has been --</p> <p>20 I've read articles. If I open up -- you know,</p> <p>21 my home page is MSN, and there's an article, I</p> <p>22 would read an article. Or if the Beacon</p> <p>23 Journal or other local news outlets would have</p> <p>24 articles or stories, I would, you know, read</p> <p>25 those and am familiar with it. So just to that</p>	<p style="text-align: right;">Page 25</p> <p>1 A. Well, I've -- I've been -- I would</p> <p>2 say that, you know, from my perspective of</p> <p>3 believing that there's a connection, it's my</p> <p>4 personal experiences and what I've been exposed</p> <p>5 to as a police officer in the city of Akron;</p> <p>6 being at meetings and, you know, hearing --</p> <p>7 hearing conversations about what the epidemic</p> <p>8 looks like, what may be at the root of it, what</p> <p>9 is at the root of it; I've seen presentations</p> <p>10 from public health; I've been in larger</p> <p>11 meetings where people from all different</p> <p>12 perspectives -- children services, hospital</p> <p>13 executives, Summit County Public Health, law</p> <p>14 enforcement, fire and EMS -- where they have</p> <p>15 all met and talked about the problem, how it's</p> <p>16 evolved, how it's impacting our organizations,</p> <p>17 our municipalities, what we can do to try to</p> <p>18 have the biggest impact that we possibly can</p> <p>19 with the resources that are available.</p> <p>20 I've seen many times people speak</p> <p>21 about their own personal circumstance.</p> <p>22 Q. You mean folks who had opioid users</p> <p>23 in the family?</p> <p>24 A. Yes.</p> <p>25 Q. Okay.</p>

7 (Pages 22 - 25)

<p style="text-align: right;">Page 26</p> <p>1 A. And opioid users.</p> <p>2 Q. Okay. And in all of these meetings</p> <p>3 and -- and --</p> <p>4 MR. LEDLIE: Were you done with</p> <p>5 your answer?</p> <p>6 THE WITNESS: No. I could have --</p> <p>7 okay.</p> <p>8 A. So those have -- there have been a</p> <p>9 lot of interactions in those -- in those</p> <p>10 meetings, and even outside in personal ways</p> <p>11 where people would approach me because of my</p> <p>12 position and want to talk about their</p> <p>13 situation.</p> <p>14 And there has been an overwhelm- --</p> <p>15 Q. Let me just clarify. Again,</p> <p>16 personal -- personal experiences in their</p> <p>17 family or personal use?</p> <p>18 A. Yes.</p> <p>19 Q. Okay.</p> <p>20 A. About how they -- their loved one</p> <p>21 or they had been -- you know, had become</p> <p>22 involved with illicit drug use or addiction,</p> <p>23 and heard many times over how it was</p> <p>24 prescription medication -- legal prescription</p> <p>25 medication that they believed was at the root</p>	<p style="text-align: right;">Page 28</p> <p>1 investigation, so I wouldn't have a perspective</p> <p>2 on that.</p> <p>3 Q. Okay. And so you've never done</p> <p>4 that kind of investigation, right?</p> <p>5 A. Right.</p> <p>6 Q. And in all of these meetings and</p> <p>7 speeches that you mentioned a moment ago during</p> <p>8 your answer, these were all local meetings?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. Did you have -- did you --</p> <p>11 do you know whether any manufacturers of</p> <p>12 prescription medications were invited to</p> <p>13 participate in those meetings?</p> <p>14 A. I do not.</p> <p>15 Q. Do you know whether distributors of</p> <p>16 prescription medications were invited to</p> <p>17 participate in those meetings?</p> <p>18 A. I do not.</p> <p>19 Q. Do you know whether any national</p> <p>20 pharmacy chains were invited to participate in</p> <p>21 those meetings?</p> <p>22 A. I do not.</p> <p>23 Q. Okay. And -- and so again going</p> <p>24 through that list, do you know whether you've</p> <p>25 ever had any interaction with prescription drug</p>
<p style="text-align: right;">Page 27</p> <p>1 of that issue or had a significant impact in</p> <p>2 their lives, either through addiction or</p> <p>3 through the death of a -- a loved one.</p> <p>4 Q. Okay. You said "many times." How</p> <p>5 many times have you heard specifically that</p> <p>6 prescription medications were at the root of</p> <p>7 the death of someone?</p> <p>8 A. It's -- it's hard. I don't want to</p> <p>9 speculate. That number has -- let's see.</p> <p>10 Q. How many times can you actually</p> <p>11 recall?</p> <p>12 A. Can I specifically? At least a</p> <p>13 half dozen. But I'm sure with not being able</p> <p>14 to recall some of the specific circumstances,</p> <p>15 that, you know, that that's happened with</p> <p>16 regularity in -- in a much higher frequency.</p> <p>17 Q. And that's you hearing from other</p> <p>18 people, right?</p> <p>19 A. Uh-huh.</p> <p>20 Q. Yes?</p> <p>21 A. Yes. I'm sorry.</p> <p>22 Q. Not your own personal investigation</p> <p>23 of whether prescription medications were the</p> <p>24 cause of someone's addiction, right?</p> <p>25 A. Sure. I have not done that</p>	<p style="text-align: right;">Page 29</p> <p>1 manufacturers about the opioid issues that you</p> <p>2 raised?</p> <p>3 A. I don't believe that I have.</p> <p>4 Q. None?</p> <p>5 A. Right.</p> <p>6 Q. And similarly, with respect to</p> <p>7 distributors, have you had any interaction with</p> <p>8 individuals who worked for distributors of</p> <p>9 prescription medications with respect to the</p> <p>10 opioid issues that you raised?</p> <p>11 A. I don't believe. I don't think so.</p> <p>12 I'm -- I don't think so.</p> <p>13 Q. Okay. And have you had any</p> <p>14 interaction with any national retail pharmacies</p> <p>15 with respect to the opioid issues that you</p> <p>16 raised?</p> <p>17 A. No, I haven't.</p> <p>18 Q. Okay. So it's fair to say that you</p> <p>19 have not raised with any of those entities, the</p> <p>20 manufacturers, the distributors, or the retail</p> <p>21 pharmacies, any of the concerns that you just</p> <p>22 identified that you have heard about in these</p> <p>23 many meetings?</p> <p>24 MR. LEDLIE: Object to the form of</p> <p>25 the question.</p>

<p style="text-align: right;">Page 30</p> <p>1 You can answer the question.</p> <p>2 A. That's accurate.</p> <p>3 Q. Now, you mentioned that you</p> <p>4 recently reviewed the complaint?</p> <p>5 A. Yes.</p> <p>6 Q. Was that the first time that you</p> <p>7 had reviewed it?</p> <p>8 A. It was within the last week.</p> <p>9 Q. Is that the only time you've</p> <p>10 reviewed it?</p> <p>11 A. Yes.</p> <p>12 Q. Did you -- so you did not review it</p> <p>13 before it was filed?</p> <p>14 A. No, I did not.</p> <p>15 Q. Do you know whether you supplied</p> <p>16 any information that was used in drafting the</p> <p>17 complaint?</p> <p>18 A. I don't know.</p> <p>19 Q. When you looked at the complaint,</p> <p>20 was there anything in there that struck you as</p> <p>21 something you had supplied?</p> <p>22 A. I can't -- I don't -- I don't</p> <p>23 recall. I mean, not me personally. It may</p> <p>24 have come from one of the city entities, it</p> <p>25 could have come from the police department, but</p>	<p style="text-align: right;">Page 32</p> <p>1 A. No.</p> <p>2 Q. Okay. You're just assuming that</p> <p>3 you would?</p> <p>4 A. Right.</p> <p>5 Q. And what do you expect your</p> <p>6 testimony would include at trial?</p> <p>7 A. Just what my experiences have been,</p> <p>8 what my knowledge is related to my specific</p> <p>9 assignment as chief currently in Akron.</p> <p>10 Q. Who else from the City of Akron</p> <p>11 would you expect to testify at the trial in</p> <p>12 this case?</p> <p>13 A. I wouldn't know outside. I would</p> <p>14 imagine the -- the fire chief and a number of</p> <p>15 individuals within the -- the fire department</p> <p>16 that have position or knowledge.</p> <p>17 Same thing within my department.</p> <p>18 My department is large, so I would imagine</p> <p>19 that -- that we would have somebody from</p> <p>20 records, and somebody from Communications</p> <p>21 Center, and somebody from budget, and somebody</p> <p>22 from -- at least a person from narcotics unit,</p> <p>23 street narcotics, is likely.</p> <p>24 From the -- the City, I would just</p> <p>25 be projecting, but I would imagine that the</p>
<p style="text-align: right;">Page 31</p> <p>1 it wasn't generated by me.</p> <p>2 Q. Right. I'm not asking you to</p> <p>3 speculate about who might have supplied</p> <p>4 information, simply whether you saw anything</p> <p>5 you had supplied.</p> <p>6 A. No, I did not.</p> <p>7 Q. Having reviewed the complaint, did</p> <p>8 you believe all of the statements in the</p> <p>9 complaint were accurate?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. And your basis for that</p> <p>12 was --</p> <p>13 A. To -- to the best of my knowledge.</p> <p>14 Q. And do you know whether anyone has</p> <p>15 ever asked you for information to respond to</p> <p>16 interrogatory responses?</p> <p>17 MR. LEDLIE: Object to the form of</p> <p>18 the question.</p> <p>19 Q. Do you know what that means?</p> <p>20 A. No.</p> <p>21 Q. Okay. Do you expect to testify at</p> <p>22 the trial in this case?</p> <p>23 A. I would imagine.</p> <p>24 Q. Has anyone told you that you will</p> <p>25 be?</p>	<p style="text-align: right;">Page 33</p> <p>1 City would also have a number of others that</p> <p>2 would be testifying.</p> <p>3 Q. And what are you basing that answer</p> <p>4 on?</p> <p>5 A. Just familiarity with the process</p> <p>6 and people that have been gathering documents</p> <p>7 and that kind of thing.</p> <p>8 Q. Who from records specifically would</p> <p>9 you expect to testify at trial?</p> <p>10 A. I would imagine that it would</p> <p>11 either be Pam Brown is the supervisor --</p> <p>12 civilian supervisor in records, and Captain</p> <p>13 Harding is the commander of the unit that</p> <p>14 oversees records. Captain Harding also</p> <p>15 supervises our Communications Center, so I</p> <p>16 would expect that he would be on that list.</p> <p>17 Q. Anyone else from the Communications</p> <p>18 Center that you would expect?</p> <p>19 A. There's a fire supervisor. I don't</p> <p>20 know who the fire supervisor is by name.</p> <p>21 Q. And who from budget would you</p> <p>22 expect to testify at trial?</p> <p>23 A. Andy Carey is an accountant who</p> <p>24 works for us. We also have --</p> <p>25 Q. I'm sorry. Andy --</p>

<p style="text-align: right;">Page 34</p> <p>1 A. Carey.</p> <p>2 Q. Carey? Okay.</p> <p>3 A. We also have three analysts that</p> <p>4 work in our planning and research unit that are</p> <p>5 responsible for putting together documents and</p> <p>6 statistics and have done some analysis on</p> <p>7 budget.</p> <p>8 We have a captain who's in charge</p> <p>9 of our services office, which is our -- the</p> <p>10 office in the department that manages and works</p> <p>11 with budget.</p> <p>12 Q. And who is that?</p> <p>13 A. Captain Schnee.</p> <p>14 Q. And tell me again what Andy Carey's</p> <p>15 position is.</p> <p>16 A. He is an accountant, and he works</p> <p>17 in our planning and research office.</p> <p>18 Q. Do you work directly with him on</p> <p>19 budget issues?</p> <p>20 A. No.</p> <p>21 Q. And then you said -- I think you</p> <p>22 said certainly the narcotics unit; is that</p> <p>23 right?</p> <p>24 A. Yes.</p> <p>25 Q. Who from the narcotics unit?</p>	<p style="text-align: right;">Page 36</p> <p>1 after his deposition?</p> <p>2 A. No.</p> <p>3 Q. Did anyone tell you about what</p> <p>4 happened during his deposition?</p> <p>5 A. No. I mean, I talked to the deputy</p> <p>6 mayor after his deposition. I did not talk to</p> <p>7 the deputy mayor about his deposition. So it</p> <p>8 would have been normal business, but not about</p> <p>9 his deposition.</p> <p>10 Q. Fair enough. Thank you for that</p> <p>11 clarification.</p> <p>12 All right. Chief Ball, where are</p> <p>13 you from originally?</p> <p>14 A. Akron.</p> <p>15 Q. And where did you go to high</p> <p>16 school?</p> <p>17 A. Went to two high schools. I went</p> <p>18 to Hudson High School for my first two years,</p> <p>19 and then I went to Cuyahoga Valley Christian</p> <p>20 Academy is where I'm a graduate of.</p> <p>21 Q. And then did you go to college?</p> <p>22 A. I did.</p> <p>23 Q. Where did you go?</p> <p>24 A. I went to Malone University in</p> <p>25 Canton for -- for part of my education I went</p>
<p style="text-align: right;">Page 35</p> <p>1 A. Detective Leonard is on a DEA task</p> <p>2 force, and they do prescription medication</p> <p>3 investigations.</p> <p>4 Q. Anyone else?</p> <p>5 A. Potentially Captain Mike Shearer is</p> <p>6 the commander of the narcotics and street</p> <p>7 narcotics unit.</p> <p>8 Lieutenant David Garro is the</p> <p>9 lieutenant in charge of narcotics, and he's</p> <p>10 also administrator for our Quick Response Team.</p> <p>11 Q. Okay.</p> <p>12 A. So I would imagine that would be a</p> <p>13 logical person that you would want to speak to.</p> <p>14 Q. Have you heard, either from the</p> <p>15 individuals themselves or from anyone else,</p> <p>16 specifically that any of these individuals</p> <p>17 expects to be testifying at trial?</p> <p>18 A. No.</p> <p>19 Q. Okay.</p> <p>20 A. I know that my deputy mayor was</p> <p>21 deposed. So his role is -- his role -- over</p> <p>22 all safety forces, police and fire, so I would</p> <p>23 imagine that his perspective might be important</p> <p>24 as well.</p> <p>25 Q. Did you talk to the deputy mayor</p>	<p style="text-align: right;">Page 37</p> <p>1 to the University of Akron.</p> <p>2 Q. What did you study?</p> <p>3 A. Finance.</p> <p>4 Q. And when did you graduate?</p> <p>5 A. I did not graduate. I took a job</p> <p>6 with the police department and didn't finish.</p> <p>7 Q. And so have you held any jobs</p> <p>8 since -- since your college courses anywhere</p> <p>9 other than the police department?</p> <p>10 A. Yes.</p> <p>11 Q. Where?</p> <p>12 A. I worked at a shop called Quality</p> <p>13 Synthetic Rubber. It was a rubber shop. I</p> <p>14 worked at that while I was going to school and</p> <p>15 paying my way through school.</p> <p>16 Q. Sorry. Let me -- let me rephrase</p> <p>17 the question. After school you started at the</p> <p>18 police department. Have you been there ever</p> <p>19 since?</p> <p>20 A. Well, actually, I also worked at --</p> <p>21 after I was -- I went straight from Quality</p> <p>22 Synthetic Rubber to the Akron Police</p> <p>23 Department, so I stopped going to school at the</p> <p>24 same time as I started. I was actually in --</p> <p>25 scheduled for classes when I became an officer.</p>

<p style="text-align: right;">Page 38</p> <p>1 Q. Got it, okay. And at Quality 2 Synthetic Rubber, what were you doing? 3 A. I was a mold operator. 4 Q. Okay. Do you have any 5 certifications or technical degrees of any 6 sort? 7 A. Police Executive Leadership 8 College. 9 Q. Anything else? 10 A. FBI National Academy. 11 Q. Okay. Anything else? 12 A. I mean, those are the two that are, 13 you know, more distinguished. I've got dozens 14 of certificates. I wouldn't be able to go back 15 and recount all those. I mean, it's 16 instructional skills taught in our police 17 academy, defensive tactics, a number of other 18 disciplines that I've taught in our department. 19 But it wouldn't be like -- it's normal for a 20 police officer. I've got all the 21 certifications that are -- that are required 22 and some that are not, that are elective. 23 Q. Sure. Any, like, online coursework 24 after your time at University of Akron? 25 A. No.</p>	<p style="text-align: right;">Page 40</p> <p>1 procedures, radio signals, all of the things 2 that would relate -- that would relate to -- to 3 being a police officer on the streets. And 4 defensive tactics and firearms and report 5 writing and investigations, interrogations, 6 interview, constitutional law. All of those 7 things that are required in that environment. 8 Q. I'm sorry. You said that was 22 9 weeks; is that right? 10 A. I believe it was 22 weeks at the 11 time that I went. 12 Q. And what did you -- OPOTA basic 13 academy? 14 A. OPOTA is the Ohio Police Officer 15 Training Academy. So individual academies have 16 to be certified by the State of Ohio in order 17 to graduate street-ready, certified police 18 officers. 19 Q. And so did you do that training in 20 Akron, or did you have to go -- 21 A. I did it in Akron. 22 Q. Okay. 23 A. At that point in time, Akron would 24 hire employees without certification, and they 25 would train them. That model since changed</p>
<p style="text-align: right;">Page 39</p> <p>1 Q. And you said you studied finance. 2 Was that at both Malone and University of 3 Akron? 4 A. Yes. 5 Q. Any of it specific to opioids? 6 A. No. 7 Q. Or pharmaceuticals in any way? 8 A. (Witness shaking head.) 9 Q. No? 10 A. No. 11 Q. And when did you join the Akron 12 Police Department? 13 A. 1991. 14 Q. You received training when you 15 joined? 16 A. Yes, I did. 17 Q. What kind of training? 18 A. We had our OPOTA, basic academy, 19 which was put on by the Akron Police 20 Department. I think at that time it was 22 21 weeks of training in all of the -- the basics 22 that are required by the State of Ohio for 23 police officer certification, and then all of 24 things that are Akron specific or centric: our 25 rules and regulations, our policies and</p>	<p style="text-align: right;">Page 41</p> <p>1 where now we are hiring people and then they go 2 to an academy outside of Akron. But we are 3 reinstituting our own police academy this 4 ye- -- next year. 5 Q. Do you recall whether any of that 6 training related to -- to drug crimes? 7 A. I don't recall. I'm certain that 8 it did. I wouldn't be able to recall 9 specifically. 10 Q. And so, I take it, you also don't 11 remember whether any of it related to opioids 12 or diversion of opioids? 13 A. That would be right. 14 Q. All right. I'd like to go through 15 your career with the Akron Police Department. 16 A. Okay. 17 Q. So let's start in 1991. You were 18 an officer? 19 A. Patrol officer. 20 Q. Patrol officer? Okay. How long 21 were you in that job? 22 A. Four and a half years. I worked in 23 patrol on the 7:30 p.m. shift until 3:30 a.m. 24 Q. And then what -- what did you do 25 next?</p>

<p style="text-align: right;">Page 42</p> <p>1 A. I went to our midnight traffic unit 2 for about a year and a half. 3 Q. And that was '95, '96? 4 A. It would have been in -- yeah, I -- 5 I don't -- I don't know the exact dates. 6 Q. Okay. 7 A. It would have been in, yeah, 8 mid-'95. 9 Q. What came next? 10 A. I was promoted to sergeant. And -- 11 Q. When were you promoted to sergeant? 12 A. 1997. 13 Q. Okay. And so how did your job 14 change? 15 A. I went back to patrol subdivision, 16 and I was assigned to midnight patrol shift, 17 which was 11:00 until 7:00 in the morning. 18 Q. Okay. What happened next? 19 A. Was promoted to lieutenant three 20 years later. 21 Q. So in 2000? 22 A. I think it was -- I don't remember 23 if it was 2000. I -- I was a sergeant on 24 midnights for three years, so it would have 25 been -- it could have been early 2001.</p>	<p style="text-align: right;">Page 44</p> <p>1 or did you switch as a lieutenant? 2 A. I was promoted again. I was -- 3 Q. Okay. 4 A. -- promoted to captain, and I went 5 back to midnight patrol. 6 Q. And you were promoted to captain 7 2006-ish? Maybe 2007? 8 A. Maybe 2007. 9 Q. Okay. So back to midnight patrol? 10 A. Yeah. 11 Q. And what does your job look like -- 12 what did your job look like as a captain? 13 A. I was commander of the midnight 14 patrol shift -- 15 Q. Okay. 16 A. -- and was the highest-ranking 17 officer on duty from the hours of 11:00 to 18 in the morning, so I had collateral 19 responsibilities, they were kind of informal, 20 but over all operations of the police 21 department during those -- during those hours. 22 On that shift there were 23 approximately 45 to 50 police officers: A 24 traffic unit of about probably five officers 25 and a sergeant; six sergeants assigned to the</p>
<p style="text-align: right;">Page 43</p> <p>1 Q. And as a lieutenant, were you still 2 assigned to a patrol unit, or were -- how did 3 that change your job? 4 A. No. I bid -- I was able to bid to 5 our investigative subdivision. My assignment 6 was commander of our crimes against property 7 unit, which is burglaries, break-ins, financial 8 crimes, and our pawn unit. 9 Q. I'm sorry. Pawn -- oh, pawn unit. 10 A. Pawn. 11 Q. Okay. 12 A. Those are detectives that 13 previously -- processes have changed with 14 computers and Internet, but they would go to 15 the pawn shops in the area and collect pawn 16 cards to be able to -- to compare those to 17 thefts and -- that we had and try to match up 18 items that had been stolen. 19 Q. Okay. And -- and how long -- well, 20 how long were you assigned to the crimes 21 against property -- is it a unit or -- okay. 22 A. It is. Crimes against property was 23 six years. 24 Q. Six years. Okay. 25 And then were you promoted again,</p>	<p style="text-align: right;">Page 45</p> <p>1 patrol shift; a lieutenant assigned under me; a 2 major crimes unit on midnight shift that was a 3 lieutenant, a sergeant, and five detectives; I 4 don't know how many were assigned in the radio 5 room, but also in the radio room; crime scene 6 unit, we had a sergeant and five or six 7 detectives. 8 Q. Okay. Were any of those 9 individuals specifically assigned to 10 opioid-related crimes? 11 A. No. 12 Q. Any of them specifically assigned 13 to drug-related crimes? 14 A. No. 15 Q. And how long, then, were you on the 16 midnight 11:00 to 7:00 shift? 17 A. Eight and a half years. 18 Q. And then -- so then what happened 19 next? 20 A. I bid to day shift patrol. 21 Q. And did you get it? 22 A. Yes. 23 Q. And you remained a captain at that 24 point? 25 A. I was a captain. I was in charge</p>

<p style="text-align: right;">Page 46</p> <p>1 of the day shift patrol unit, and then also had 2 a responsibility as a zone commander; so I had 3 geographical shift responsibility and then also 4 geographical responsibility for one of our 5 zones. The city is divided into four zones, so 6 I had one of those zones. 7 Q. Which zones? 8 A. One. 9 Q. Which is -- what is that? 10 A. Downtown, University of Akron, near 11 west side. 12 Q. So other than the -- the zone 13 responsibility that you just explained, how did 14 your job change between the midnight shift and 15 the day patrol? 16 A. It didn't. 17 Q. Okay. 18 A. It was still supervising a shift of 19 officers. Now, there are -- I didn't have 20 oversight over traffic or the radio room or 21 other responsibilities, because during the -- 22 those day hours, those supervisors were 23 working. 24 So I was just responsible for my 25 shift, and that was commanding a lieutenant,</p>	<p style="text-align: right;">Page 48</p> <p>1 specific supervisory responsibility over 2 narcotics? 3 A. Yes. 4 Q. And then what was your next job? 5 A. Chief. 6 Q. And when did you take that role? 7 A. It was in the fall of 2017. It 8 was, like, late August or early September. 9 Q. How did that assignment come about? 10 A. I was appointed by the mayor. 11 Q. And why did the previous chief 12 leave? 13 A. He resigned. 14 Q. Do you know why? 15 A. Yes, I do. 16 Q. Can you tell me? 17 A. There were allegations that were 18 made against him of actions that were not 19 befitting of his office and that were going to 20 compromise the -- the trust of the community, 21 and he submitted his resignation. 22 Q. And were you appointed immediately, 23 or was there any kind of an interim time? 24 A. I was appointed as an interim and 25 then was sworn in in December.</p>
<p style="text-align: right;">Page 47</p> <p>1 six sergeants. And day shift is a little bit 2 smaller because those are one-man cars that we 3 put out on the street during the day, so 4 approximately low to mid-30s number of 5 officers. 6 Q. And was this your last role before 7 you became chief? 8 A. No. 9 Q. Okay. So what came next? 10 A. I became a deputy chief in 2015, 11 and was assigned to command the investigative 12 subdivision, which is our detective bureau, 13 crime scene unit, and antiviolence unit. 14 Detective bureau has major crimes 15 24 hours a day; crime scene unit 24 hours a 16 day; juvenile -- juvenile unit two shifts; 17 property unit, which is crimes against property 18 that I mentioned before; and then the 19 antiviolence bureau, which is narcotics, street 20 narcotics, gangs, and all of our task force 21 officers. 22 Q. So those folks were reporting to 23 you? 24 A. Yes. 25 Q. Is that the first time you had</p>	<p style="text-align: right;">Page 49</p> <p>1 Q. And what, generally, are your 2 responsibilities as chief of police? 3 A. Just to oversee the department. To 4 make sure that we're meeting the needs of the 5 community, to interact. My role as chief is 6 split between managing what happens within our 7 building and then making sure things outside of 8 the building work well, community 9 relationships, and so there's a lot that goes 10 on. 11 Q. Do you handle -- handle the 12 budgeting for the department? 13 A. No. 14 Q. Do you have any involvement in it? 15 A. Yes, I do. 16 Q. What is your involvement? 17 A. Pretty much as kind of an overseer, 18 get -- I get our budget reports. Typically, 19 we'll have meetings about budget 20 decision-making, and my deputy chiefs, my 21 captain in charge of services, and myself will 22 be involved in those meetings. And we will 23 develop plans, priorities for the police 24 department that need to be prepared and 25 submitted to my boss, the deputy mayor, and</p>

<p style="text-align: right;">Page 50</p> <p>1 then ultimately go to budget and finance. 2 Q. And when you say your boss, the 3 deputy mayor, you mean Deputy Mayor Brown? 4 A. Yes. 5 Q. So your budgeting plans are 6 submitted to Deputy Mayor Brown? 7 A. Yes. 8 Q. And then it's your understanding 9 they then go to a budgeting department? 10 A. Uh-huh. Finance. Yes. I'm sorry. 11 Q. Do you have any understanding of 12 what happens to them while they are with Deputy 13 Mayor Brown's office? 14 A. No. I mean -- I know that 15 obviously he looks at them and -- and matches 16 them up with what -- what his ideas would be 17 and the way that he would prioritize, I'm sure, 18 because there are times that I get feedback 19 from him about maybe a particular issue. 20 Q. What kind of feedback do you get 21 from him? 22 A. I would just say -- I couldn't say 23 anything specific, but just generally. If he 24 had a different opinion about whether or not an 25 item would be included, for example, if we were</p>	<p style="text-align: right;">Page 52</p> <p>1 deputy mayor? So when you get the priorities 2 and -- and budgeting plans from those who are 3 submitting them through you, do you provide 4 feedback that then gets incorporated? 5 A. Yeah, there are times that I would, 6 but they wouldn't get to that -- they wouldn't 7 get to that process. It would be sorted at my 8 level before it went any further. 9 So there might be -- there -- there 10 always is that, you know, analysis. I meet 11 with my deputy chiefs about all of those 12 matters, and they may have gotten requests from 13 captains or lieutenants that we sort out before 14 we put together a final document or request. 15 Q. How many people report to you? 16 A. How many people am I responsible 17 for or directly, like, interact with me on a 18 daily basis? 19 Q. Let's start with the first. How 20 many people are you responsible for? 21 A. 441 or -42 police office- -- 22 sworn -- sworn members of the Akron Police 23 Department, not counting civilians. 24 Q. Okay. Do the civilians also report 25 to you?</p>
<p style="text-align: right;">Page 51</p> <p>1 going to spend monies on work area improvement, 2 maybe we wouldn't -- maybe it would be his 3 opinion that we would -- weren't prioritizing a 4 work area improvement. 5 And that's not even something 6 specific. It's just -- again, probably just 7 generally, and I wouldn't be able to cite one 8 specific thing that drove that answer. 9 Q. So how does the process work, then? 10 Do you, then, change your submission, or does 11 he change it before it goes to budget? 12 Do you understand what I'm asking? 13 A. Yeah. We would change -- we would 14 change it. 15 Q. You would change it. Okay. 16 So you would get feedback from him, 17 you would change it, and then resubmit? 18 A. Yes. I mean, actually, I wouldn't 19 be changing it either. It would go back to the 20 services office and the captain. I -- I don't 21 work on -- I don't work on the databases or the 22 report construction. It just is the 23 information. 24 Q. Do you provide any of that same 25 sort of feedback before it even gets to the</p>	<p style="text-align: right;">Page 53</p> <p>1 A. I have authority as the chief of 2 police. They don't re- -- they're under -- 3 under the -- the authority of my office. 4 But that's the second part of that 5 question. I don't have those employees 6 reporting directly to me. We've got 7 subordinate supervisors at a number of levels. 8 Q. Right. Okay. Sorry about that. 9 So including -- so you have 441 or 10 -42 police officers. Is it that you're trying 11 to hire -- why is it that you're not quite sure 12 on the -- 13 A. Well, we've had a couple 14 resignations recently. We just had an officer 15 that had left and came back, and, you know, 16 it's -- that's kind of fluid always. 17 Q. Okay. 18 A. And we are trying to hire. We have 19 some officers that are in a police academy 20 right now that will be joining us in the 21 beginning of the year, and we are finishing up 22 a -- a hiring list for background 23 investigations and potential hire. We're 24 planning on a new -- a new recruit test in 25 first quarter of 2019. So the -- the numbers</p>

<p style="text-align: right;">Page 54</p> <p>1 fluctuate.</p> <p>2 Q. So when they're at the police</p> <p>3 academy, you don't count them as your</p> <p>4 employees?</p> <p>5 A. They count against my budgeted</p> <p>6 strength, but they're not technically an</p> <p>7 employee of the Akron Police Department.</p> <p>8 Q. You have to pay for their training?</p> <p>9 A. We do pay for their training.</p> <p>10 Q. Okay. And then how many civilians</p> <p>11 work under you? I'm looking for the total size</p> <p>12 of the Akron Police Department.</p> <p>13 A. I don't know what the current</p> <p>14 number is right now for civilian employees.</p> <p>15 I -- I think we're approved for 47 or 43, and</p> <p>16 we might have high 20s.</p> <p>17 Q. So is the total number of</p> <p>18 individuals who are under your jurisdiction</p> <p>19 roughly -- well, it sounds like you're approved</p> <p>20 for close to 500; is that right?</p> <p>21 A. We also have reserve officers.</p> <p>22 Q. I knew I was missing something.</p> <p>23 A. It's about 5- -- it's about 550</p> <p>24 currently with --</p> <p>25 Q. Okay.</p>	<p style="text-align: right;">Page 56</p> <p>1 people coming into the city for the events of</p> <p>2 the day and the fireworks. We need extra</p> <p>3 people; they help to fill that out.</p> <p>4 Q. All right. I'd like to turn to the</p> <p>5 training that you've had throughout your</p> <p>6 career. I know that you've had a lot of it,</p> <p>7 right?</p> <p>8 A. Uh-huh.</p> <p>9 Q. Is that a yes?</p> <p>10 A. Yes.</p> <p>11 Q. And so it sounds like you had --</p> <p>12 initially, you had roughly 22 weeks; is that</p> <p>13 right?</p> <p>14 A. Right.</p> <p>15 Q. And then, do you have regular</p> <p>16 training every year for a period of time?</p> <p>17 A. We do. We have in-service training</p> <p>18 every year.</p> <p>19 Q. And how long is that?</p> <p>20 A. Used to be 40 hours a week -- I</p> <p>21 mean 40 hours a year. But that number was --</p> <p>22 has been reduced at times, because of budgetary</p> <p>23 and staffing issues, and so currently our</p> <p>24 in-service is 16 hours this year.</p> <p>25 It's been at different places.</p>
<p style="text-align: right;">Page 55</p> <p>1 A. -- reserve officers, civilian</p> <p>2 employees, and sworn officers.</p> <p>3 Q. So how many reserve officers do you</p> <p>4 have?</p> <p>5 A. I don't even know what the number</p> <p>6 is.</p> <p>7 Q. And what do they do?</p> <p>8 A. They will -- they'll help out</p> <p>9 with -- like, if we have a parade, an officer</p> <p>10 could block an intersection.</p> <p>11 They're required to volunteer 16</p> <p>12 hours a month to keep their commission and --</p> <p>13 and be employed as a reserve officer. So</p> <p>14 depending on what their prior experiences are,</p> <p>15 one of them might come in for that reserve</p> <p>16 time, and if they're a retired Akron police</p> <p>17 officer they might come in and work at our</p> <p>18 detective bureau desk where they can answer</p> <p>19 phones and give information to the public.</p> <p>20 Some of them actually come in and work in a</p> <p>21 patrol car next to a sworn officer for a</p> <p>22 regular tour of duty.</p> <p>23 So there's a wide variety of things</p> <p>24 that the reserve officers can do. Mainly, they</p> <p>25 help with 4th of July when we have 100,000</p>	<p style="text-align: right;">Page 57</p> <p>1 There were times when it was 24 hours, times</p> <p>2 that it was 40. All of it depended on staffing</p> <p>3 and budget, and also depended on how much the</p> <p>4 state was going to reimburse us for the</p> <p>5 trainings.</p> <p>6 Q. And what does that training</p> <p>7 involve, that in-service training?</p> <p>8 A. It's different every year. Things</p> <p>9 that are important and topical. There are some</p> <p>10 things that are consistent. For example, first</p> <p>11 aid, every two or three years you have to be</p> <p>12 recertified on first aid, so that would be</p> <p>13 included. There are always legal updates. But</p> <p>14 then we decide on -- on things that are</p> <p>15 important.</p> <p>16 There's a certain amount of -- of</p> <p>17 it that would be defensive tactics and fitness</p> <p>18 training -- or not fitness training, but</p> <p>19 defensive tactics. And, you know, sometimes</p> <p>20 it's been as -- constitutional policing, and</p> <p>21 police procedural justice, and de-escalation,</p> <p>22 bias in the police environment, and all kinds</p> <p>23 of different topics.</p> <p>24 Q. Has it ever been focused on</p> <p>25 opioids?</p>

<p style="text-align: right;">Page 58</p> <p>1 A. Not that I can -- I don't know for 2 sure. 3 Q. What do you mean when you say, "I 4 don't know for sure"? 5 A. I don't know if there was -- if 6 there was ever a module where they did, for 7 example, updating on what QRT -- QRT is and how 8 it functions and the way that it can connect 9 with patrol officers; things they need to do to 10 make sure that our process works smoothly. 11 I know that we've had training in 12 the administration of Narcan for all of our 13 officers. That was not in an -- I don't 14 believe that was an in-service. I think that 15 was an extra training that we had to add. 16 I believe that we've had training 17 for the officers about the handling of, you 18 know, drugs that they can come in contact with 19 that are opioids that could likely lead to harm 20 for the officers. So awareness about what the 21 drugs and what their versions look like and the 22 vulnerabilities that they could create for 23 police officers. 24 Q. Like physical handling like of 25 carfentanil or Fentanyl; is that right?</p>	<p style="text-align: right;">Page 60</p> <p>1 training, you started to mention there were 2 other kinds of trainings; is that right? 3 A. Yes. 4 Q. Okay. And how often does that 5 happen in any year that you have additional 6 trainings that are not specifically in-service 7 trainings? 8 A. For the -- for the range, we do 9 three times a year with all of our officers. 10 Q. The firing range? 11 A. Yes. 12 Q. Okay. 13 A. And then it would be not something 14 that is planned or predictable, but there's 15 roll call trainings, or if something is -- is 16 a -- you know, a hot issue, or something 17 that's -- that's new, or, you know, those 18 situations could be handled either in roll call 19 trainings or with training videos. 20 Q. Okay. Now, has the topic of opioid 21 drugs ever been one of those hot issues? 22 A. I don't want to say specifically 23 and not know what definitively that answer is, 24 so I -- I don't know. 25 Q. You don't recall it being one?</p>
<p style="text-align: right;">Page 59</p> <p>1 A. Correct. 2 Q. Okay. All right. But -- but going 3 back to the -- to the in-service, you don't 4 remember specifically any focus on opioids? 5 A. I do not. 6 Q. And as chief you haven't caused a 7 focus on opioids at the in-service trainings, 8 right? 9 A. Right. 10 Q. What about drug-related crime in 11 general? Has that ever been a focus of the 12 in-service trainings that you can recall? 13 A. Not so specifically. I don't 14 know -- I would not be able to go back 15 and know, off the top of my head or verbatim, 16 what those lists of trainings would have looked 17 like. 18 Q. Okay. Do you recall in-service 19 training on drug diversion? 20 A. No. 21 Q. What about drug addiction? 22 A. I don't -- I don't know for sure. 23 Q. Not that you can recall? 24 A. Not that I recall. 25 Q. Now, setting aside the in-service</p>	<p style="text-align: right;">Page 61</p> <p>1 A. Yeah. I don't know. I was in -- 2 when I was in the detective bureau, I wouldn't 3 have been familiar with the training that they 4 would -- the officers were getting in a roll 5 call environment. 6 Q. You haven't personally participated 7 in a training? 8 A. No, I have not. 9 Q. Okay. Now, you mentioned Narcan 10 training. You do recall that? 11 A. (Witness nodding head.) 12 Q. That was recent, right? 13 A. Couple years ago. 14 Q. Okay. And then you mentioned the 15 handling of certain drugs. Do you remember 16 that as well? 17 A. I do remember -- I mean, I don't 18 remember specifically. I didn't have the 19 class. 20 Q. Uh-huh. 21 A. But I do remember that it being an 22 important issue and, you know, the discussions 23 of how do we get the information to officers, 24 what are the steps that we're taking to make 25 sure that our -- that our people are safe, what</p>

<p style="text-align: right;">Page 62</p> <p>1 are the steps that we're making sure to -- 2 taking to make sure that the people we come in 3 contact with are -- with are safe. 4 There were bulletins that were put 5 out by, you know, state law enforcement 6 agencies, maybe through OPOTA. I know that 7 HIDTA put out some training bulletins and 8 information as well. 9 Q. Did you -- did your department pay 10 for the Narcan training that your officers 11 received? 12 A. I don't remember if that was a 13 grant or if it was, you know, at our own 14 expense. 15 Q. Do you know how much it was? 16 A. No. 17 Q. And what about the training on 18 handling of drugs? Did your department pay for 19 that? 20 A. I don't know that either. I 21 believe -- I don't think that that was -- I 22 think that that would have been either roll 23 call training or training bulletins or video. 24 But -- 25 Q. What --</p>	<p style="text-align: right;">Page 64</p> <p>1 Q. Have you ever personally served on 2 any task forces or -- task forces related to 3 drugs? 4 A. No. 5 Q. What about committees related to 6 drugs? 7 A. No. 8 Q. Has the Akron Police Department 9 participated in task forces related -- 10 A. Yes. 11 Q. -- related to drugs? 12 A. Yes. 13 Q. Yes? 14 A. Yes. 15 Q. Which ones? 16 A. We have the DEA task force. We 17 have a -- an FBI safe streets task force. We 18 have the Summit County drug unit. We also 19 have -- I think those are the -- we have 20 Alcohol, Tobacco and Firearms. 21 Q. There is a task force from the ATF 22 here in Akron? 23 A. ATF works closely with our officers 24 on our gun violence reduction team. And there 25 is --</p>
<p style="text-align: right;">Page 63</p> <p>1 A. -- I don't know who paid for it. 2 Q. What do you mean when you say "roll 3 call training"? 4 A. Where a supervisor, at the 5 beginning of a shift, will conduct training for 6 the officers that are present that evening. 7 Typically, we'll do that three or four nights 8 in a row so that everybody on a shift can be 9 covered if they happen to be off on days, 10 that -- that we'll repeat that training for 11 those that would have missed it to make sure 12 that we have all of our uniform officers 13 covered. 14 Q. So how long would that kind of a 15 training last? 16 A. It -- it just depends. It could be 17 something as short as 10 minutes. It might 18 last 30, 45 minutes. But if it were longer 19 than that, it probably would be something that 20 we would have to add a class for, because that 21 would be too long to have the officers not -- 22 not on the streets and responding to calls. 23 Q. And you don't specifically know 24 whether any of those things happened, right? 25 A. Right.</p>	<p style="text-align: right;">Page 65</p> <p>1 Q. Is -- is that related to drug 2 crimes? 3 A. There's an -- there's an overlap. 4 I mean, specifically, it's their -- their 5 primary or their first responsibility is crimes 6 of violence and weapons offenses, but there's 7 an overlap that is so common between those -- 8 those crimes. 9 Q. Okay. And when you say the Akron 10 Police Department participates in the task 11 forces that you named, what is the nature of 12 the police department's participation? 13 MR. LEDLIE: Object to the form of 14 the question. 15 You can answer. 16 A. We have officers that are full-time 17 employees of the Akron Police Department that 18 are assigned full-time to those task forces. 19 Q. How many officers are assigned to 20 the DEA task force? 21 A. I'm not certain. 22 Q. How many officers -- 23 A. I think it's -- I think for the DEA 24 task force, I think it's one. Could be two. 25 Q. How many Akron police officers are</p>

<p style="text-align: right;">Page 66</p> <p>1 assigned to the FBI task force?</p> <p>2 A. That is two.</p> <p>3 Q. How many Akron police officers are</p> <p>4 assigned to the Summit County drug unit?</p> <p>5 A. I don't know for sure.</p> <p>6 Q. Do you have any idea?</p> <p>7 A. That's one or two.</p> <p>8 Q. And then how many Akron police</p> <p>9 officers are assigned to the ATF task force?</p> <p>10 A. They're not -- I mentioned,</p> <p>11 they're -- it's not -- they're not assigned</p> <p>12 with a task force with the ATF. It's kind of</p> <p>13 our group and their group working together.</p> <p>14 Q. Who pays for those officers when</p> <p>15 they're assigned to the task force?</p> <p>16 A. We pay for the officers.</p> <p>17 Q. Does the APD -- does the Akron</p> <p>18 Police Department -- sorry -- contribute any</p> <p>19 other funding to the task forces that you've</p> <p>20 mentioned?</p> <p>21 A. They are housed in our facility.</p> <p>22 Q. Any staff, other than police</p> <p>23 officers, contributed to the task force by the</p> <p>24 Akron Police Department?</p> <p>25 MR. LEDLIE: Object to the form of</p>	<p style="text-align: right;">Page 68</p> <p>1 Q. You said that there would be</p> <p>2 equipment and management support going from the</p> <p>3 Akron Police Department to the task forces.</p> <p>4 About how much money are we talking about</p> <p>5 there?</p> <p>6 A. I have no idea.</p> <p>7 Q. Can you give me any idea what</p> <p>8 you're talking about there?</p> <p>9 A. I don't know specifically how that</p> <p>10 breakup is done, so that would -- if it would</p> <p>11 be, you know, our radios, vehicles, weapons,</p> <p>12 trainings. I'm not certain how all of that --</p> <p>13 all that works or all of it's funded.</p> <p>14 Q. The task forces -- the FBI doesn't</p> <p>15 use your vehicles, right?</p> <p>16 MR. LEDLIE: Object to the form of</p> <p>17 the question.</p> <p>18 A. No, I don't believe that the FBI</p> <p>19 uses our vehicles.</p> <p>20 Q. Or the DEA?</p> <p>21 A. No, they would not.</p> <p>22 Q. Okay. So that's -- you're not</p> <p>23 suggesting that --</p> <p>24 A. No, I'm not. I'm talking about our</p> <p>25 officers that participate, I don't know if all</p>
<p style="text-align: right;">Page 67</p> <p>1 the question.</p> <p>2 A. We have a full-time secretary in</p> <p>3 our antiviolence bureau that does work for</p> <p>4 officers in -- I would imagine there's some</p> <p>5 overlap with her responsibilities, but nobody</p> <p>6 else assigned full-time.</p> <p>7 Q. And other than housing them in the</p> <p>8 facility and contributing officers, is there</p> <p>9 any other financial support coming from the</p> <p>10 Akron Police Department to the task forces that</p> <p>11 you mentioned?</p> <p>12 A. I'm not certain. I know obviously</p> <p>13 we have equipment costs and we have other --</p> <p>14 other management costs that are connected, but</p> <p>15 I know that the -- the task forces will have</p> <p>16 much greater accessibility to funding for</p> <p>17 overtime and for special assignments, and we</p> <p>18 take advantage of that. That's what they --</p> <p>19 they -- they contribute those things.</p> <p>20 Q. They bring that funding --</p> <p>21 A. Right.</p> <p>22 Q. -- to you, right?</p> <p>23 A. They bring funding and people and</p> <p>24 oftentimes technology or equipment that we</p> <p>25 would not be able to afford.</p>	<p style="text-align: right;">Page 69</p> <p>1 of their equipment is funded by those</p> <p>2 individual task force to the point where it</p> <p>3 would go down to all of their equipment and all</p> <p>4 of their necessities for their -- their work.</p> <p>5 Q. You just don't know one way or the</p> <p>6 other?</p> <p>7 A. Right.</p> <p>8 MR. LEDLIE: Object to the form of</p> <p>9 the question.</p> <p>10 Q. Who would know?</p> <p>11 A. Captain Shearer.</p> <p>12 Q. Have you served on the Summit</p> <p>13 County drug unit personally?</p> <p>14 A. No.</p> <p>15 Q. You have not?</p> <p>16 A. No.</p> <p>17 Q. Do you have any regular interaction</p> <p>18 with them as chief?</p> <p>19 I'm asking about, like, a weekly</p> <p>20 meeting or something like that. Any kind of</p> <p>21 regular --</p> <p>22 A. No. I have a -- I have a board</p> <p>23 meeting that I attend. I'm on the -- the board</p> <p>24 of directors for the Summit County drug unit,</p> <p>25 so when my schedule allows, I'll go to that</p>

<p style="text-align: right;">Page 70</p> <p>1 board meeting, and if I'm not able to, Captain 2 Shearer and Major Leaser would both attend that 3 as well. 4 Q. How often does that board of 5 directors meet? 6 A. I think quarterly. 7 Q. And you're not always able to 8 attend? 9 A. I'm not always able to attend. 10 Q. Do you serve in any, or have you 11 served in any, capacity on the Ohio High 12 Intensity Drug Trafficking Area? 13 A. Yes. I'm on the board. 14 Q. And is that as chief? 15 A. Yes. 16 Q. Were you on the board before you 17 became chief? 18 A. No. I attended in his absence at 19 times on a couple of occasions. 20 Q. And how often does that board meet? 21 A. I think quarterly. And then there 22 are special meetings if there's something to 23 vote on or something comes up, they could have 24 special meetings. 25 Q. Okay. I have the same question</p>	<p style="text-align: right;">Page 72</p> <p>1 Q. You just don't know specifically -- 2 A. Right. 3 Q. -- how or when the Akron Police 4 Department participates? 5 A. Right. 6 MR. LEDLIE: And you all have done 7 a good job, but we started talking over one 8 another, so -- 9 THE WITNESS: Okay. 10 MR. LEDLIE: -- please wait until 11 she finishes, and she'll wait until you finish 12 your answer. 13 Q. Have you or do you participate in 14 any capacity in the U.S. attorney's heroin and 15 opioid task force? 16 A. I do not. 17 Q. Do you know whether anyone at the 18 Akron Police Department does? 19 A. I don't know. 20 Q. You don't know? 21 A. (Witness shaking head.) 22 MR. LEDLIE: Let's take a break. 23 MS. SAULINO: Oh, time flies. Yes, 24 we can take a break. 25 THE VIDEOGRAPHER: Going off the</p>
<p style="text-align: right;">Page 71</p> <p>1 about the Northern Ohio Law Enforcement Task 2 Force. 3 A. I'm -- I'm not on that. 4 Q. You don't participate in that? 5 A. No, I don't. 6 Q. Do you know whether anyone at the 7 Akron Police Department does? 8 A. I don't know. 9 Q. Do you participate in any way in 10 the Summit County Opiate Task Force? 11 A. I don't personally. There's -- 12 there's so many task forces and -- and org 13 groups and other things, so I don't want to say 14 definitively and mess up, you know, with 15 something that I don't have that kind of 16 familiar- -- familiarity with. 17 I sat in one time for Mayor 18 Horrigan at one of those task forces. I 19 believe it's the one that you just mentioned. 20 But I also don't know if that -- that might be 21 one that our narcotics commanders are on that 22 I'm -- I'm just not familiar with. I've heard 23 of the Summit County Opioid Task Force. 24 Q. You've heard of it? 25 A. Yeah, I have.</p>	<p style="text-align: right;">Page 73</p> <p>1 record at 10:07 a.m. 2 (A recess was taken.) 3 THE VIDEOGRAPHER: Back on the 4 record at 10:24 a.m. 5 - - - - - 6 (Thereupon, Deposition Exhibit 1, 7 8/30/2016 E-Mail from Michael 8 Shearer Re: TFO Assignments, 9 AKRON_001127849, was marked for 10 purposes of identification.) 11 - - - - - 12 BY MS. SAULINO: 13 Q. Chief Ball, the court reporter has 14 just handed you what has been marked as 15 Exhibit 1. 16 MS. SAULINO: We're starting at 1, 17 right? 18 Q. Yes, Exhibit 1. 19 This is an e-mail chain from August 20 of 2016, and you are on the top e-mail in the 21 chain as a CC. Do you see that? 22 A. Yes, I do. 23 Q. Do you recognize this e-mail? 24 A. I don't recall it. I 25 obviously know what it is.</p>

<p style="text-align: right;">Page 74</p> <p>1 Q. Okay. So it says here -- so this 2 is Michael Shearer, who I believe you mentioned 3 earlier, right. 4 A. Yes. 5 Q. What was his position in 2016? 6 A. Mike is the captain in charge of 7 our antiviolence bureau, and so he oversees 8 narcotics, street narcotics, and gangs. 9 Q. And was he in 2016? 10 A. Yes. 11 Q. And, at the time, you were deputy 12 chief? 13 A. Yes. 14 Q. And what was Charles Brown's 15 position at the time? 16 A. I don't know if -- I don't know 17 what his position could have been. There was a 18 period of time where he was an assistant chief 19 of police, and then his current assignment, I 20 believe that -- I don't know when he 21 transitioned. 22 Q. Okay. And you see that Mr. -- so 23 Captain Shearer says, "Charles, I have 10 24 people assigned as TFO to other organizations." 25 Do you understand what TFO is?</p>	<p style="text-align: right;">Page 76</p> <p>1 A. He does -- he does prescription 2 medication investigations. 3 Q. And do you know how he does his 4 job? 5 A. Not entirely. I mean, I know that 6 he works with that task force, and they use 7 databases that are generated now by the -- I 8 think it's the state or the federal government 9 that -- that requires those databases to be 10 maintained, and they look for irregularities in 11 prescribing or dispensing of prescription 12 medicines. 13 Q. How did you come to that 14 understanding? 15 A. Just -- just I guess through common 16 office exposures or department conversations 17 over the years. 18 Q. Any specific conversations with 19 Officer Leonard? 20 A. I don't think I've ever had a 21 specific conversation with him about his job 22 duties. 23 Q. And as a task force officer, is he 24 still in your chain of reporting? 25 A. Yes.</p>
<p style="text-align: right;">Page 75</p> <p>1 A. Yes. 2 Q. What does it mean? 3 A. Task force officer. 4 Q. Okay. And then you see there's a 5 list of 10 names, and after them, agencies or 6 units, right? 7 A. Right. 8 Q. Now, I believe that you mentioned 9 Officer Leonard earlier. 10 A. Yes. 11 Q. How long has Officer Leonard been 12 assigned as a task force officer to the DEA? 13 A. A long time. I -- I don't know 14 when he first went. It's definitely over 15 15 years. 16 THE VIDEOGRAPHER: Excuse me. I'm 17 sorry. Can I please have you clip your 18 microphone on? 19 THE WITNESS: Oh, I'm sorry. 20 THE VIDEOGRAPHER: Thank you. 21 Q. So more than 15 years you think? 22 A. Probably more. I think more than 23 20 years. 24 Q. All right. And do you know what 25 his responsibilities are?</p>	<p style="text-align: right;">Page 77</p> <p>1 Q. Okay. Does he also report to 2 someone at the DEA? 3 A. Yes. 4 Q. And do you know who that is? 5 A. I don't. 6 Q. Do you or does anyone who is in the 7 Akron Police Department give Officer Leonard 8 his assignments? 9 A. I don't believe so. I mean, there 10 could an occasion -- and Captain Shearer would 11 be better to speak to this -- where there might 12 be something, a complaint or some information 13 that would come in that Captain Shearer would 14 communicate with the supervisor of that task 15 force or through Pat Leonard to the supervisors 16 of that task force that might direct their work 17 specifically, but I'm not familiar or I'm 18 not -- you know, I don't have firsthand 19 knowledge of exactly the way that that would 20 work. 21 Q. And you don't know specifically 22 whether that ever has happened, right? 23 A. I don't know specifically. My 24 expectation previously, if I was the deputy 25 chief in the investigative subdivision, when I</p>

<p style="text-align: right;">Page 78</p> <p>1 was, if I would have gone to Mike Shearer and 2 said I'm getting this -- I'm getting this 3 information or the Akron Police Department has 4 got a tip or, you know, through reports or 5 follow-up that an officer had had on a -- on a 6 call for service, that this information came 7 in, can you have them look at it, I would -- my 8 expectation would be that the unit would -- I 9 don't know exactly how they would prioritize 10 that, but they would respond to my -- to my 11 request or my direct. 12 Q. Did you ever make that kind of 13 request to Captain Shearer? 14 A. No. 15 Q. Do you know whether the current 16 deputy chief has ever made such a request to 17 Captain Shearer? 18 A. I don't know. 19 Q. All right. Mike Gilbride? 20 A. Yes. 21 Q. How long has he been assigned to 22 the DEA? 23 A. I don't know. 24 Q. Is he still? 25 A. Yes.</p>	<p style="text-align: right;">Page 80</p> <p>1 sure. 2 Q. Do you know who currently is 3 assigned to the Summit County drug unit from 4 the Akron Police -- 5 A. I know that Jim -- I know that 6 Palmer was replaced on the Summit County drug 7 unit. I don't know then if that subsequent 8 vacancy in narcotics would have been filled. 9 Because we'll take somebody from 10 our narcotics division, they get experience, 11 they show proficiencies, build good 12 relationships, and when a vacancy comes up on 13 one of our task forces, one of the -- one of 14 the officers assigned to our narcotics division 15 will move into those task forces. We don't bid 16 it or fill it from outside of narcotics or 17 antiviolence unit. And then we'll fill that 18 subsequent vacancy that comes up in narcotics 19 if we have the staffing to be able to do that. 20 So I know that Jim Palmer's 21 assignment on Summit County drug unit, that was 22 filled. I don't know if his subsequent vacancy 23 in narcotics was filled. 24 Q. All right. Now, Paul Siegferth? 25 A. Paul Siegferth is no longer</p>
<p style="text-align: right;">Page 79</p> <p>1 Q. And do you know what his duties 2 are? 3 A. He works -- Pat works 4 prescriptions, and I believe that Mike works on 5 other narcotics cases. 6 Q. Rafe Caprez? 7 A. Rafe Caprez is retired. 8 Q. He is now retired? 9 A. Yes. 10 Q. When did that happen; do you know? 11 A. I don't know specifically. Maybe a 12 couple years. 13 Q. Sometime since August of 2016? 14 A. Yeah. 15 Q. And do you know whether he was 16 replaced? 17 A. I don't know if he was replaced. 18 I know that our narcotics unit is 19 short, and it's always an -- an item of 20 contention and frustration, but we're short all 21 over the department, so. 22 Q. Jim Palmer? 23 A. Jim Palmer is retired. 24 Q. Was he replaced, that you know of? 25 A. I believe he was. I don't know for</p>	<p style="text-align: right;">Page 81</p> <p>1 assigned to the U.S. Marshals task force. 2 Q. And do you know what that acronym 3 stands for after U.S. Marshals? 4 A. Northern Ohio -- Northern Ohio 5 Violent Fugitive Task Force. I'm surprised, I 6 mean, because I'm not very good at all the 7 letters. 8 Q. All right. Shawn Brown, it says 9 FBI. 10 A. Yes. 11 Q. Is he still assigned to the FBI? 12 A. Yes, he is. 13 Q. And do you know how long he has 14 been assigned to the FBI? 15 A. No, I don't. It's been a long 16 time. 17 Q. Do you know what his duties are? 18 A. He were -- is an investigative team 19 member for the FBI Safe Streets Task Force. 20 Q. Safe Streets? 21 A. Yes. 22 Q. What does that mean? 23 A. It just is a -- they give these 24 names -- the federal government typically gives 25 these names to -- and they'll run that program,</p>

<p style="text-align: right;">Page 82</p> <p>1 and so when they do grant applications and they 2 get their funding, they use those -- they use 3 that name. 4 Q. Do you know, though, what his 5 day-to-day job entails? 6 A. Yeah, he was just an investigative 7 team member. He will -- I don't know if -- if 8 they -- if they do case adoptions or if -- if 9 they -- they're responsible for their own 10 sources and for their own initiation of cases. 11 I'm not certain how that works with that task 12 force. 13 Q. Do you know whether he has specific 14 responsibilities related to opioids? 15 A. I do not. 16 Q. Or any kind of drugs? 17 A. I do not know specifically. 18 Q. Sergeant Woodill? 19 A. Sergeant Woodill, yes. 20 Q. Is he still with the -- is he still 21 assigned to the FBI? 22 A. Yes. 23 Q. Do you know -- 24 A. This is a -- Sergeant Woodill, 25 Keith Meadows, Mark Hockman, Rick Wallace were</p>	<p style="text-align: right;">Page 84</p> <p>1 any other task force members? 2 A. No. Captain Shearer would be the 3 one that would have an intimate knowledge and 4 clear understanding of what those duties are 5 and how they interact with -- or what they do 6 on a daily basis and then how they interact 7 with the police department if we have requests 8 and -- 9 Q. So Captain Shearer would be the one 10 to ask? 11 A. Yeah. 12 Q. All right. I'd like to ask you 13 just a few questions about your career in law 14 enforcement. 15 Have you ever been sued as an 16 officer? 17 A. (Witness nodding head.) 18 Q. Yes? 19 A. Yes. 20 Q. What kind of a case? 21 A. I had not been until became -- 22 until I became chief of police, and now I've 23 been sued two or three times in the last year 24 because I'm attached now to -- to those 25 lawsuits.</p>
<p style="text-align: right;">Page 83</p> <p>1 all members of our gang unit. The gang unit 2 was not able to be fully staffed, and so 3 there's been kind of a -- a morphing with the 4 Federal -- the FBI's gang unit. 5 And I know that Keith Meadows now 6 works with Shawn Brown, and those two have 7 similar responsibilities on the task force. I 8 think that Woodill, Hockman, and Wallace work 9 separately and have different responsibilities. 10 Q. Related to gangs? 11 A. Yes. 12 Q. Seeing this list now, does this 13 refresh your recollection at all as to whether 14 there were any other officers assigned to task 15 forces? 16 A. Yeah. And I -- I do think that 17 Bryan Callahan may have been the officer that 18 replaced Jim Palmer in the Summit County drug 19 unit. I mean, I don't -- 440 people, I don't 20 have recollection at all times about where 21 everybody is assigned in the department, but I 22 know that -- I know that Bryan Callahan had 23 been in narcotics, and I believe that he filled 24 the position vacated by Jim Palmer. 25 Q. Any other names come to mind for</p>	<p style="text-align: right;">Page 85</p> <p>1 So personally, no, I had never -- I 2 had never been sued during the course of my 3 career, and now I have been. 4 Q. So let me ask the question a 5 different way. For any -- for any job 6 performance reasons -- 7 A. No. 8 Q. -- were you ever sued? 9 But now, in your capacity as chief, 10 you have been; is that right? 11 A. Correct. 12 Q. Okay. And have you ever been 13 disciplined? 14 A. I've -- I don't remember if it was 15 a discipline or not. I think I had a -- one 16 sustained complaint in my career. That was not 17 filling out a citation on a traffic accident 18 that I reported on. 19 I may have been -- I may have lost 20 four hours for a missed court case on one 21 occasion. I don't even know if that happens, 22 but I would -- I know that those are probably 23 the only two occasions that I've ever had to 24 respond on, potentially, a disciplinary matter. 25 Q. Okay. That's it?</p>

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1 A. Yeah.

2 Q. Okay. In your career in law

3 enforcement, have you developed an

4 understanding of what opioid drugs are?

5 A. Somewhat, yes.

6 Q. Okay. And what about the

7 difference between opioid drugs and non-opioid

8 drugs?

9 A. Certainly not an expert.

10 Q. That's fair enough. What is your

11 understanding of which drugs are opioids?

12 A. You want a list?

13 Q. Yes.

14 A. OxyContin, all the -- the

15 painkillers, oxycodone, morphine. You know,

16 there's a lot of different versions that are

17 similar -- similar drugs from individual

18 manufacturers that I'm not real -- not real

19 familiar with. Percocet, Vicodin, heroin,

20 Fentanyl, carfentanil. And I know there's

21 plenty more, but I haven't studied it or

22 anything.

23 Q. Okay. You would agree with me that

24 cocaine is not an opioid?

25 A. No. I mean, no, I don't believe it

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1 is. No, I'm not disagreeing with you.

2 Q. What about marijuana?

3 A. It is not.

4 Q. Xanax?

5 A. Don't know for sure. Don't believe

6 that it is.

7 Q. Adderall?

8 A. No.

9 Q. It is not?

10 A. It is not.

11 Q. Benzodiazepines?

12 A. Is not.

13 Q. What about meth?

14 A. Is not.

15 Q. You understand that only some

16 opioids can be prescribed, right?

17 A. Yes.

18 Q. So there's only a segment of

19 opioids that are prescription opioids, right?

20 A. Right.

21 Q. And you understand that

22 prescription opioids include things like

23 Vicodin, right?

24 A. Yes.

25 Q. Percocet?

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1 A. Yes.

2 Q. And OxyContin?

3 A. Yes.

4 Q. Okay. And you would agree with me

5 that non-prescription opioids include illegal

6 street drugs like heroin, right?

7 A. Correct.

8 MR. LEDLIE: Object to the form of

9 the question.

10 Q. And Fentanyl?

11 A. Yes.

12 Q. And carfentanil?

13 A. I thought Fentanyl had a legal --

14 but carfentanil, yeah.

15 Q. Okay. Fair enough. Fentanyl can

16 have prescription, but it is -- it also can

17 have a --

18 A. And carfentanil, just not for

19 humans.

20 Q. Okay. But Fentanyl can also have

21 an illegal street version, correct?

22 A. We've seen that.

23 Q. Yes. And the basis for your

24 knowledge is your work as a police officer?

25 A. Some of it, I think, and then some

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1 of it is familiarity that I -- that I would

2 have from reading the complaint and reading

3 articles and hearing others speak at times.

4 Q. You don't have any medical

5 training, right?

6 A. No, I don't.

7 Q. Any personal experience with any of

8 the opioids?

9 A. No. I'm -- I'm -- I've been

10 prescribed a painkiller in my life. I've got,

11 you know, a close friend, who's a pastor, whose

12 ministry was -- there was a significant

13 overlap, and part of his -- part of his calling

14 and -- was to help those who were addicted to

15 opiates in their recovery and their path toward

16 wholeness or health after that. So I've got,

17 you know, that exposure, which is pretty

18 personal. But I haven't had beyond that.

19 Q. Okay. So you would agree with me

20 that prescription opioids do have lawful uses,

21 right?

22 A. Yes.

23 Q. And non-prescription opioids have

24 no recognized lawful uses, right?

25 A. Sure.

<p style="text-align: right;">Page 90</p> <p>1 MR. LEDLIE: Object to the form of</p> <p>2 the question.</p> <p>3 You can answer it.</p> <p>4 A. Sure.</p> <p>5 Q. They're illegal, right?</p> <p>6 A. Right.</p> <p>7 Q. And so there are real differences</p> <p>8 between prescription and non-prescription</p> <p>9 opioids, right?</p> <p>10 MR. LEDLIE: Object to the form of</p> <p>11 the question.</p> <p>12 A. Right.</p> <p>13 Q. Other than the fact that they are</p> <p>14 prescription or non-prescription, do you have</p> <p>15 any understanding of why some opioids can be</p> <p>16 prescribed?</p> <p>17 A. Yes.</p> <p>18 Q. What is your understanding?</p> <p>19 A. Pain management.</p> <p>20 Q. Let me -- let me be more clear. Do</p> <p>21 you have any understanding of the difference</p> <p>22 between the two as why can -- some can be</p> <p>23 described -- prescribed and why some cannot?</p> <p>24 MR. LEDLIE: Object to the form of</p> <p>25 the question.</p>	<p style="text-align: right;">Page 92</p> <p>1 OxyContin. I had never heard of it. And I</p> <p>2 believe when I was a sergeant on midnights in</p> <p>3 the late '90s is when we -- I started to see an</p> <p>4 influx of reports. And those would be for the</p> <p>5 theft of OxyContin. And we had a series of</p> <p>6 break-ins at local pharmacies, and OxyContin</p> <p>7 was the drug that was being targeted in those</p> <p>8 breaks-ins. And so hearing it and becoming</p> <p>9 familiar with that term, probably at that point</p> <p>10 in time, late -- late '90s.</p> <p>11 Q. Are you aware that Akron ambulances</p> <p>12 carry opioids today?</p> <p>13 A. I think that would make sense, if I</p> <p>14 worked my way logically through it, that they</p> <p>15 would carry them.</p> <p>16 Q. Why would that make sense?</p> <p>17 A. Because of the pain. They've used</p> <p>18 it -- using opioids in -- you know, for like</p> <p>19 morphine, you'll see a movie where the medic</p> <p>20 calls for morphine, and so I would imagine that</p> <p>21 there's a similarity.</p> <p>22 Q. So it wouldn't surprise you to know</p> <p>23 that that was true, right?</p> <p>24 A. No. Right.</p> <p>25 Q. Because there are lawful and</p>
<p style="text-align: right;">Page 91</p> <p>1 A. No, I don't.</p> <p>2 Q. You understand that the FDA</p> <p>3 approves prescription opioids?</p> <p>4 A. Yes.</p> <p>5 Q. And has determined that those</p> <p>6 prescription opioids have medical benefits that</p> <p>7 outweigh the risks in certain cases?</p> <p>8 MR. LEDLIE: Object to the form of</p> <p>9 the question.</p> <p>10 A. Yes.</p> <p>11 Q. And you understand that the DEA has</p> <p>12 determined that prescription opioids should be</p> <p>13 obtainable through a prescription?</p> <p>14 MR. LEDLIE: Object to the form of</p> <p>15 the question.</p> <p>16 A. I don't know that. That the DEA --</p> <p>17 Q. Allows prescription opioids to be</p> <p>18 prescribed.</p> <p>19 A. Sure.</p> <p>20 Q. You have mentioned abuse of opioids</p> <p>21 today, including prescription opioids. When</p> <p>22 did you come to an understanding that</p> <p>23 prescription opioids could be abused?</p> <p>24 A. I would say the -- probably the</p> <p>25 first exposure was when I learned about</p>	<p style="text-align: right;">Page 93</p> <p>1 necessary uses of opioids for pain, right?</p> <p>2 A. Right, as we discussed, yeah.</p> <p>3 Q. In the complaint that you read, and</p> <p>4 in other documents that Akron has produced to</p> <p>5 the Defendants in this action, there are</p> <p>6 references to an opioid epidemic and an opioid</p> <p>7 crisis.</p> <p>8 Are you familiar with those terms?</p> <p>9 A. Yes.</p> <p>10 Q. And what do they mean to you?</p> <p>11 A. It means that there's been a</p> <p>12 tremendous negative impact on our community.</p> <p>13 And it's much broader than Akron. It's pretty</p> <p>14 much been in the entire United States where</p> <p>15 addiction has increased dramatically, and the</p> <p>16 effects of addiction are impacting communities</p> <p>17 in so many different ways. And, you know, the</p> <p>18 most telling are those that -- overdose deaths</p> <p>19 and the overdoses, and the demand on all</p> <p>20 services to address those growing issues.</p> <p>21 Q. And you would agree with me that</p> <p>22 those terms "opioid epidemic" and "opioid</p> <p>23 crisis" refer to all opioids, including the</p> <p>24 non-prescription, illegal kind, right?</p> <p>25 A. Yes.</p>

<p style="text-align: right;">Page 94</p> <p>1 MR. LEDLIE: Object to the form of</p> <p>2 the question.</p> <p>3 Q. When did the epidemic begin in</p> <p>4 Akron?</p> <p>5 MR. LEDLIE: Object to the form of</p> <p>6 the question.</p> <p>7 A. I'm not -- I'm not certain that</p> <p>8 somebody could quantify. I know for us -- I</p> <p>9 don't know for certain. At that point in time,</p> <p>10 I was patrol commander, so I didn't have the --</p> <p>11 the same kind of access or wasn't involved in</p> <p>12 the meetings that were describing it.</p> <p>13 I do know that under the former</p> <p>14 chief, there started to -- to be much more talk</p> <p>15 about it. It was a growing problem. We</p> <p>16 started to see more overdoses, we started to</p> <p>17 see a significant number of deaths, and so the</p> <p>18 department began to respond to that, figure out</p> <p>19 ways that we could respond to it.</p> <p>20 Probably in 2014, maybe. I don't</p> <p>21 know if those conversations started before</p> <p>22 that. I don't know when that -- when that</p> <p>23 would have been, but I wouldn't be able to</p> <p>24 quantify when an epidemic or -- started.</p> <p>25 Q. And what makes you say 2014?</p>	<p style="text-align: right;">Page 96</p> <p>1 concerns.</p> <p>2 Q. So it could have been earlier?</p> <p>3 A. It could have been.</p> <p>4 Q. And do you know whether there was</p> <p>5 any particular incident that happened in 2014</p> <p>6 that caused you to notice?</p> <p>7 A. Not anything that caused me to</p> <p>8 notice personally. I don't know what would</p> <p>9 have happened to cause the department to</p> <p>10 notice.</p> <p>11 Q. Do you recall when Fentanyl and</p> <p>12 carfentanil became an issue in Akron?</p> <p>13 A. I remember when carfentanil did.</p> <p>14 Q. When was that?</p> <p>15 A. It was July 2016.</p> <p>16 Q. What do you have there in front of</p> <p>17 you?</p> <p>18 A. I have a report that's generated</p> <p>19 that keeps track of our numbers for overdoses</p> <p>20 and overdose deaths.</p> <p>21 And I have familiarity because this</p> <p>22 spike has shown up on our report for, you know,</p> <p>23 as long as I've been keeping track of this.</p> <p>24 Q. And is that a report that you</p> <p>25 generated?</p>
<p style="text-align: right;">Page 95</p> <p>1 A. I think 2014 may have been the year</p> <p>2 that we first had committed resources for</p> <p>3 overdose death investigations.</p> <p>4 Q. But as far as you know, there could</p> <p>5 have been discussions before that?</p> <p>6 A. There could have been.</p> <p>7 Q. In 2014, you were not in a</p> <p>8 position -- in a position that had specific</p> <p>9 responsibility for opioid-related crimes --</p> <p>10 A. Right.</p> <p>11 Q. -- or incidences?</p> <p>12 A. That's correct. And I also would</p> <p>13 not have been in the executive meetings where</p> <p>14 those kind of issues were discussed or decided.</p> <p>15 Q. You said you started to see a</p> <p>16 significant number of deaths, you think, in</p> <p>17 2014?</p> <p>18 MR. LEDLIE: Object to the form</p> <p>19 of -- I'm sorry. Object to the form of the</p> <p>20 question. Misstates testimony.</p> <p>21 You can answer the question.</p> <p>22 A. Yes, I know that it was at least</p> <p>23 2014. I don't know about prior to that exactly</p> <p>24 how -- how it had expressed and if it -- if the</p> <p>25 numbers were starting to grow and cause</p>	<p style="text-align: right;">Page 97</p> <p>1 A. It's sent out by our planning and</p> <p>2 research unit every single day.</p> <p>3 Q. So you get -- the -- the report</p> <p>4 that you have in front of you is today's</p> <p>5 report?</p> <p>6 A. This is from -- this is end of</p> <p>7 month October 31, 2018. It just is a</p> <p>8 running -- you know, keeps the running totals.</p> <p>9 Q. Okay. Could we mark that? Will</p> <p>10 you be able to get another one so that we're</p> <p>11 not taking it away from you?</p> <p>12 A. Yeah. I'm sure that we've gotten</p> <p>13 these to you previously. It just is a report</p> <p>14 that's generated every day. I happen to carry</p> <p>15 the one that is most -- most current, but all</p> <p>16 the historic information would be the same on</p> <p>17 what we would put out.</p> <p>18 Q. Okay. Can we mark this one?</p> <p>19 A. That's fine.</p> <p>20 Q. Okay. I just wanted to make sure</p> <p>21 that you had access to be able to print out</p> <p>22 another one. I don't want to keep you from</p> <p>23 doing your job.</p> <p>24 A. No.</p> <p>25 Q. Okay.</p>

<p style="text-align: right;">Page 98</p> <p>1 MR. LEDLIE: I didn't give that to 2 him, so he's got it somewhere else. 3 MS. SAULINO: Okay. 4 - - - - - 5 (Thereupon, Deposition Exhibit 2, 6 Document Titled "Overdose 7 Information Between January 1st, 8 2016 at 0000 hrs - June 3rd, 2018 at 9 2359 hrs", was marked for purposes 10 of identification.) 11 - - - - - 12 A. So the answer would go back to July 13 of 2016. 14 Q. Okay. And so you have in front of 15 you now Exhibit 2, which is the data that you 16 brought with you; is that right? 17 A. Yes. 18 Q. Okay. Did you bring anything else 19 with you? 20 A. I have a copy of the subpoena. 21 MR. LEDLIE: Notice. 22 A. Or the -- and there's a couple of 23 other -- this is a report that just has some of 24 the totals from 2016, 2017. It's another 25 running one, but I hadn't replaced this one</p>	<p style="text-align: right;">Page 100</p> <p>1 was preferring drug treatment funding rather 2 than incarceration, and it would use monies 3 from reduced sentences for -- they were 4 unfunded, but they were going to -- they were 5 suggesting that money be used -- instead of 6 housing prisoners, that they be used for 7 treatment programs. 8 Q. And this was something the Akron 9 Police Department supported? 10 A. No. 11 Q. No, okay. 12 A. No. 13 Q. So your talking points were against 14 Issue 1? 15 A. Yes, it was. 16 Q. Can I see your talking points? 17 Thank you. 18 A. The issue took decision-making out 19 of the hands of prosecutors and judges and 20 mandated the way that persons will be treated 21 for offenses. 22 It would change all drug offenses 23 where there were less than 19 grams of an 24 illegal drug that were possessed to misdemeanor 25 charges, which basically would have created</p>
<p style="text-align: right;">Page 99</p> <p>1 recently, but it just was basically the yearly 2 totals for overdoses and overdose deaths. 3 Q. Okay. Can we mark this one, too? 4 A. Uh-huh. 5 Q. Is that okay? 6 MR. LEDLIE: That's fine. 7 - - - - - 8 (Thereupon, Deposition Exhibit 3, 9 Document Titled "Overdose Totals - 10 Between 1/1/2016 Through Yesterday 11 at 2359 Hours", was marked for 12 purposes of identification.) 13 - - - - - 14 Q. Okay. Anything else you have in 15 your stack there? 16 A. Well, I -- this was accidentally -- 17 this was a part of the packet that I carry with 18 me. This was just information about State 19 Issue 1, which was a ballot initiative 20 yesterday in the state of Ohio, so these were 21 some of the talking points for Issue 1. 22 Q. What was Issue 1 about? 23 A. Issue 1 was a -- was a State of 24 Ohio constitutional change that would alter 25 current sentencing for drug violations, and it</p>	<p style="text-align: right;">Page 101</p> <p>1 hundreds of more drug dealers because they 2 would have parsed out their amounts to, more 3 than likely, juveniles, who would have always 4 carried less than 19 grams, knowing that a 5 misdemeanor conviction with no -- no mandatory 6 sentencing would have been a pathway to even 7 greater drug dealing. Much, much greater than 8 what we see now. 9 And it would have been a 10 constitutional change, which would have made it 11 very, very difficult to adjust if the policies 12 of that issue were not having the intended 13 impacts. 14 There was also a lot of mandates in 15 there that were unfunded that would have been 16 overwhelming to municipalities, especially our 17 municipality. 18 MS. SAULINO: Can we mark this, or 19 make a copy of it and mark it? 20 MR. LEDLIE: Let me just take a 21 look at that for one second. 22 MS. SAULINO: Yeah. If you read 23 the fact at the bottom, you'll see that it is, 24 in fact, relevant. 25 Q. Do you need to keep a copy of that,</p>

<p style="text-align: right;">Page 102</p> <p>1 Chief Ball?</p> <p>2 A. Yes.</p> <p>3 Q. Okay.</p> <p>4 MR. LEDLIE: I don't know whether</p> <p>5 this -- I don't know who the Prosecuting</p> <p>6 Attorneys Ohio Association is and whether this</p> <p>7 may be a attorney communication, and so I think</p> <p>8 it's going to be subject to callback until I</p> <p>9 can confirm that.</p> <p>10 Q. These are talking points that you</p> <p>11 received in order to provide your opinions</p> <p>12 about the issue?</p> <p>13 A. This -- I received those at -- at a</p> <p>14 luncheon for -- not a luncheon, but a monthly</p> <p>15 meeting that we have for Summit County chiefs</p> <p>16 of police. And I believe that there was a</p> <p>17 Summit County judge that talked at that</p> <p>18 particular meeting and had those talking</p> <p>19 points.</p> <p>20 MS. SAULINO: If it was a judge</p> <p>21 then it wouldn't be privileged.</p> <p>22 MR. LEDLIE: Do you know if it was</p> <p>23 the judge that gave it to you? Were there</p> <p>24 attorneys there as well for the organization?</p> <p>25 THE WITNESS: I don't know.</p>	<p style="text-align: right;">Page 104</p> <p>1 A. That's likely.</p> <p>2 MS. SAULINO: Okay. Are you going</p> <p>3 to let me ask questions about it?</p> <p>4 MR. LEDLIE: Not until I determine</p> <p>5 whether or not it's privileged.</p> <p>6 MS. SAULINO: Okay. Can you do</p> <p>7 that during the day today?</p> <p>8 MR. LEDLIE: I will make an attempt</p> <p>9 to reach the Ohio Prosecuting Attorneys</p> <p>10 Association. There's a number on here.</p> <p>11 MS. SAULINO: Okay. Or you can</p> <p>12 talk to your witness further about who was at</p> <p>13 that lunch. It sounds like it was not a</p> <p>14 privileged communication. So it would be</p> <p>15 easier for everybody if we didn't have to come</p> <p>16 back to ask questions about it.</p> <p>17 MR. LEDLIE: I'm not going to break</p> <p>18 privilege until I know whether -- until I know</p> <p>19 more about this. I didn't understand --</p> <p>20 MS. SAULINO: I'm not asking you to</p> <p>21 break a privilege. It just doesn't sound in</p> <p>22 any way privileged.</p> <p>23 MR. LEDLIE: Well, I understand</p> <p>24 that that's your position, and I'll look into</p> <p>25 it.</p>
<p style="text-align: right;">Page 103</p> <p>1 MR. LEDLIE: I just need to do some</p> <p>2 due diligence on this. I don't know where it</p> <p>3 came from.</p> <p>4 MS. SAULINO: Sure.</p> <p>5 Q. The judge had access to this</p> <p>6 document as well, right --</p> <p>7 MR. LEDLIE: Object to the form</p> <p>8 of --</p> <p>9 Q. -- at the -- at the lunch?</p> <p>10 MR. LEDLIE: -- the question.</p> <p>11 A. I don't -- you know what? And I'm</p> <p>12 not -- it could have been sent out by the</p> <p>13 prosecutor by e-mail. I don't even -- it was</p> <p>14 one of those two occasions that I received</p> <p>15 that.</p> <p>16 Q. Sure. It's got a red border around</p> <p>17 it, right?</p> <p>18 A. Yes, it does.</p> <p>19 Q. Do you usually print your e-mails</p> <p>20 in color?</p> <p>21 MR. LEDLIE: Object to the form of</p> <p>22 the question.</p> <p>23 A. No.</p> <p>24 Q. Okay. So it probably was a handout</p> <p>25 that you received?</p>	<p style="text-align: right;">Page 105</p> <p>1 MS. SAULINO: Okay. Well, it would</p> <p>2 be great if you could do that before the end of</p> <p>3 the day so we don't all have to come back here.</p> <p>4 MR. LEDLIE: I will make an</p> <p>5 attempt.</p> <p>6 Q. All right. So I was asking you</p> <p>7 about carfentanil and when that came to your</p> <p>8 awareness, and you said July of 2016. I think</p> <p>9 that was right, right?</p> <p>10 A. Yes.</p> <p>11 Q. And by the way, if you need to --</p> <p>12 part of the reason I marked those documents is</p> <p>13 if you need to refer to them, that's totally</p> <p>14 fine. Just tell us which exhibit you're</p> <p>15 referring to so that we're all on the same</p> <p>16 page, so to speak.</p> <p>17 A. Okay.</p> <p>18 Q. Is that fair?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. And you were referring to a</p> <p>21 spike that you see in your chart in July of</p> <p>22 2016, right?</p> <p>23 A. Yes.</p> <p>24 Q. Do you actually recall what</p> <p>25 happened that month, from your time as a police</p>

<p style="text-align: right;">Page 106</p> <p>1 officer?</p> <p>2 A. I mean, I -- I do. The -- it was</p> <p>3 very dramatic because of the significant</p> <p>4 increase that -- that happened then.</p> <p>5 Q. What do you remember about it?</p> <p>6 A. Just it was shocking.</p> <p>7 Q. A lot of people died, right?</p> <p>8 A. Yes. We had 33 people die that</p> <p>9 month.</p> <p>10 Q. Did you personally have any calls</p> <p>11 where you were involved?</p> <p>12 A. No. I don't -- I don't go to calls</p> <p>13 for service. There was one occasion where I</p> <p>14 went past a call because I heard it go out and</p> <p>15 I was in proximity. And there were two people</p> <p>16 on that occasion that had died of overdose</p> <p>17 deaths, and there was a third person that was</p> <p>18 trapped under one of the bodies for multiple</p> <p>19 days because she was unable to extricate</p> <p>20 herself.</p> <p>21 So that was a call that I happened</p> <p>22 to stop by that -- but I'm not saying that that</p> <p>23 was in July of 2016. I don't know when that</p> <p>24 was. But I don't normally -- I don't respond</p> <p>25 to calls for service.</p>	<p style="text-align: right;">Page 108</p> <p>1 Akron before 2014, right?</p> <p>2 MR. LEDLIE: Object to the form of</p> <p>3 the question.</p> <p>4 You can answer.</p> <p>5 A. Yeah, I think that's accurate.</p> <p>6 Q. And you mentioned earlier that you</p> <p>7 thought there was a prescription form of</p> <p>8 Fentanyl, right?</p> <p>9 A. Yes.</p> <p>10 Q. But you agreed with me that there</p> <p>11 is also an illicit -- an illicit form of</p> <p>12 Fentanyl, right?</p> <p>13 A. Correct.</p> <p>14 Q. And do you have an understanding of</p> <p>15 whether the Fentanyl problems in Akron are</p> <p>16 caused by the illicit form or the prescription</p> <p>17 form?</p> <p>18 MR. LEDLIE: Object to the form of</p> <p>19 the question.</p> <p>20 A. I don't know. I mean, I am aware</p> <p>21 of situations where the illegal forms of</p> <p>22 Fentanyl have been a -- have been targeted by</p> <p>23 investigators or arrests that we've made,</p> <p>24 seizures that we've made, and I'm less familiar</p> <p>25 with the prescription side of that, because</p>
<p style="text-align: right;">Page 107</p> <p>1 Q. And what basically does that chart</p> <p>2 show that you're looking at in Exhibit -- 2?</p> <p>3 A. 2. It just shows the running</p> <p>4 numbers of overdoses and overdose deaths for</p> <p>5 that -- that particular month on the bottom of</p> <p>6 it. On the top of it is the historical</p> <p>7 reference that goes back month by month to the</p> <p>8 beginning of 2016.</p> <p>9 Q. Is it particular to any particular</p> <p>10 type of drug?</p> <p>11 A. No.</p> <p>12 Q. Or all overdose deaths?</p> <p>13 A. It's overdose deaths.</p> <p>14 Q. Okay. And so that's something that</p> <p>15 you, as a department, track and send out daily?</p> <p>16 A. Yes.</p> <p>17 Q. Do you also receive any kind of</p> <p>18 breakdown for any particular type of drug?</p> <p>19 A. No.</p> <p>20 Q. Now, you testified earlier that you</p> <p>21 noticed in the late '90s that there was an</p> <p>22 uptick in crimes related to OxyContin, right?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. So you'd agree with me that</p> <p>25 certainly opioid problems had been going on in</p>	<p style="text-align: right;">Page 109</p> <p>1 that specifically is the work of Detective</p> <p>2 Leonard.</p> <p>3 Q. Well, you certainly would agree</p> <p>4 with me, wouldn't you, that non-prescription</p> <p>5 opioids are a key contributor to what you might</p> <p>6 call the opioid epidemic?</p> <p>7 A. That's accurate.</p> <p>8 Q. Can you estimate what percent of</p> <p>9 opioid problems in Akron relate to</p> <p>10 non-prescription opioids as opposed to</p> <p>11 prescription opioids?</p> <p>12 A. No.</p> <p>13 MR. LEDLIE: Object to the form of</p> <p>14 the question.</p> <p>15 A. I wouldn't be able to estimate.</p> <p>16 - - - - -</p> <p>17 (Thereupon, Deposition Exhibit 4,</p> <p>18 July 2016 E-Mail Chain Re: Did I</p> <p>19 Miss A Release?, AKRON_000325781 to</p> <p>20 000325784, was marked for purposes</p> <p>21 of identification.)</p> <p>22 - - - - -</p> <p>23 Q. Chief Ball, the court reporter has</p> <p>24 just handed you what has been marked as</p> <p>25 Exhibit 4.</p>

<p style="text-align: right;">Page 110</p> <p>1 And this is an e-mail chain, which</p> <p>2 you are not on, although it includes an article</p> <p>3 in which you are quoted, I believe, when you</p> <p>4 were a major. And this is from July of 2016.</p> <p>5 And I believe that this is the period of time</p> <p>6 that you and I were discussing a moment ago</p> <p>7 when carfentanil became a real problem.</p> <p>8 A. Uh-huh.</p> <p>9 Q. If you take a look at the article,</p> <p>10 do you recall this article or this interview?</p> <p>11 A. Can I read -- can I read through</p> <p>12 it?</p> <p>13 Q. Sure. Yeah. The e-mails are just</p> <p>14 forwarding the article.</p> <p>15 A. Okay.</p> <p>16 Q. It's really the article that I'm</p> <p>17 asking you about.</p> <p>18 I really just want to ask you about</p> <p>19 your quote that's about two-thirds of the way</p> <p>20 down the page on that last page you're looking</p> <p>21 at. Do you see that?</p> <p>22 A. Yes, I do. I'm right there right</p> <p>23 now. Okay.</p> <p>24 Q. Okay. You were quoted as having</p> <p>25 said that the police department is putting more</p>	<p style="text-align: right;">Page 112</p> <p>1 allowable by our contract. So we temporarily</p> <p>2 reassigned some members within the -- in police</p> <p>3 department to a -- to a team to work on the</p> <p>4 problem, which is unusual, because, you know,</p> <p>5 it's so difficult to move people around for us.</p> <p>6 Q. Okay. And did you have a personal</p> <p>7 role?</p> <p>8 A. I was familiar with the</p> <p>9 decision-making that was going on, so I would</p> <p>10 have been involved in those -- in those</p> <p>11 meetings. Jim Nice was, I would say, directing</p> <p>12 the efforts at that time, the chief of police.</p> <p>13 Probably assigned some of those</p> <p>14 responsibilities to a subordinate employee, but</p> <p>15 that's what I've been -- what I -- that's what</p> <p>16 I would have been referencing here.</p> <p>17 Q. Okay. But what was your personal</p> <p>18 role in this July 2016 reallocation of</p> <p>19 resources?</p> <p>20 A. I wouldn't have had a major role in</p> <p>21 that. I would have been familiar with the</p> <p>22 process and if there -- I would imagine -- and</p> <p>23 I don't even recall specifically, but typically</p> <p>24 we would ask for recommendations from patrol</p> <p>25 commanders. Are there people that are</p>
<p style="text-align: right;">Page 111</p> <p>1 resources in a short amount of time into the</p> <p>2 investigation than any other situation that you</p> <p>3 can recall, right?</p> <p>4 A. Right.</p> <p>5 Q. And this is in reference to what</p> <p>6 the article is calling overdoses in -- 91</p> <p>7 overdoses reported in Akron and attributing</p> <p>8 them to carfentanil, right?</p> <p>9 A. Yes.</p> <p>10 Q. And the article says that</p> <p>11 carfentanil is 10,000 times more pow- -- more</p> <p>12 potent than morphine, right?</p> <p>13 A. That's what it says.</p> <p>14 Q. Okay. Would you agree with that?</p> <p>15 A. That's what I've heard.</p> <p>16 Q. And when you say that the</p> <p>17 department was putting more resources in a</p> <p>18 short of -- amount of time into the</p> <p>19 investigation, what did you mean?</p> <p>20 A. We diverted narcotics resources,</p> <p>21 street narcotics resources, to these very</p> <p>22 specific investigations that were related to</p> <p>23 the carfentanil. We also -- like,</p> <p>24 reassignments within the police department for</p> <p>25 temporary, which is the only thing that's</p>	<p style="text-align: right;">Page 113</p> <p>1 interested? Are there people that are doing a</p> <p>2 good job? Are there people that we can trust</p> <p>3 to -- to put in this situation and ask for --</p> <p>4 ask for very important work out of them? Who</p> <p>5 would best serve that?</p> <p>6 So I -- and I don't recall</p> <p>7 directly, but typically I would be just</p> <p>8 involved in that decision-making process of</p> <p>9 will this officer be a good fit? Will we get</p> <p>10 great work out of them? And then deciding -- I</p> <p>11 would imagine that we would have had</p> <p>12 conversations about where can we take them</p> <p>13 from?</p> <p>14 You know, do we have a balance</p> <p>15 of -- or do we have in any -- which</p> <p>16 department -- which unit in the department</p> <p>17 could be least affected by temporary transfers</p> <p>18 of officers, so that it made sense,</p> <p>19 organizationally, if we're taking resources</p> <p>20 from some other job responsibility, that it was</p> <p>21 least impacting for the police department.</p> <p>22 Q. Okay. Did you personally have</p> <p>23 involvement in that?</p> <p>24 A. I'm -- I would say I'm sure that I</p> <p>25 would have. I don't have specific recollection</p>

<p style="text-align: right;">Page 114</p> <p>1 of exactly what that looked like or how it 2 worked. 3 Q. All right. So -- 4 A. But I know that's the process, and 5 it's very familiar, because we pretty much 6 handle major -- any major personnel issues with 7 this kind of a similar pattern. 8 Q. And you -- and this major personnel 9 issue had to do with specifically carfentanil, 10 right? 11 MR. LEDLIE: Object to the form of 12 the question. 13 A. It had to do with the significant 14 number of overdoses -- spike in overdose 15 numbers and overdose deaths that we were 16 seeing. 17 Q. In July of 2016? 18 A. Yes. 19 Q. Which you now know to have been 20 attributable to carfentanil, right? 21 MR. LEDLIE: Object to the form of 22 the question. 23 A. Carfentanil obviously was a factor 24 in that. 25 Q. A major factor, right?</p>	<p style="text-align: right;">Page 116</p> <p>1 have been limited to -- to two particular 2 people. 3 Q. Where would we find out who was 4 investigated? 5 A. Captain Shearer should have that 6 information. 7 Q. In any particular kind of file? 8 A. We keep a -- I don't know exactly 9 what his filing system is. I do know that for 10 overdose deaths, we keep a database, and it 11 shows who the investigating -- who the 12 investigating detective is on a particular 13 case. 14 Q. Who the detective is. Does it show 15 who was investigated? 16 A. It would if there was a suspect 17 that was known. And it would also show if 18 there was an arrest that had been made. And it 19 also shows, you know, the name, the age, the 20 other specifics of the victim. 21 Q. And -- 22 A. Location. 23 Q. And you'd agree with me, Chief 24 Ball, that there are times when you have a 25 suspect, but you're unable to bring charges</p>
<p style="text-align: right;">Page 115</p> <p>1 A. I -- I would say that it's safe to 2 say that. 3 Q. And -- and the article says that 4 you had said that two people had been arrested 5 in connection with some of the recent 6 overdoses? That was -- that's the next 7 paragraph. 8 A. Right. 9 Q. Who were those people? 10 A. I don't -- I have no idea. 11 Q. And do you know whether others were 12 arrested? 13 A. That, I wouldn't be able to recall 14 either. I mean, I'm certain we've made -- you 15 know, we make multiple arrests every single 16 month for -- for -- on drug dealers or -- so I 17 wouldn't have been involved in the process or 18 ever typed a -- typed up an arrest report or 19 anything like that, so I don't have that kind 20 of recall or familiarity. 21 Q. And you certainly would have 22 investigated more than just two people, right? 23 MR. LEDLIE: Object to the form of 24 the question. 25 A. Yeah. Our investigation wouldn't</p>	<p style="text-align: right;">Page 117</p> <p>1 even though you have great reason to believe 2 that they are the ones responsible, right? 3 A. That happens. 4 Q. And so we would be able to find 5 those names as well in the overdose deaths 6 file? 7 MR. LEDLIE: Object to the form of 8 the question. 9 Q. If they existed? 10 A. It would -- it would be documented 11 on that report that I just talked about. 12 Q. What -- does the report have a 13 name? 14 A. It's just a database for the -- I 15 don't know if they have a name on it or not. 16 It certainly has a name. They've got to look 17 it up every time they find it, but I don't -- I 18 don't know the name of the -- the document. 19 It's just the database that we keep on overdose 20 deaths. 21 Q. And that database is kept by the 22 Akron Police Department? 23 A. It is. It's disseminated. I don't 24 know who all it goes to, but I know that it's 25 gone to me as -- while I was a deputy chief and</p>

<p style="text-align: right;">Page 118</p> <p>1 a chief, and it's updated whenever there's a 2 death. 3 - - - - - 4 (Thereupon, Deposition Exhibit 5, 5 June 2015 E-Mail Chain Re: Threat 6 and Strategy, with Attached Document 7 "Threat Assessment & Strategy 8 Program Year 2015," AKRON_001139729 9 to 001139787, was marked for 10 purposes of identification.) 11 - - - - - 12 Q. Chief Ball, the court reporter has 13 just handed you what has been marked as 14 Exhibit 5, which is an e-mail and its 15 attachment. And we will actually attach them 16 at some point during a break, the attachment to 17 the e-mail. 18 And this is an e-mail from a Derek 19 Siegle on Friday, June 12, 2015, that was then 20 forwarded by James Nice, and you were one of 21 the people on the CC line on June 23rd of 2015. 22 Do you see that? 23 A. Yes. 24 Q. Okay. And the subject is, "Threat 25 and strategy," and Mr. Siegle says, "Here's the</p>	<p style="text-align: right;">Page 120</p> <p>1 Q. Is that still true? 2 A. Yes, it is. 3 Q. And so is it your understanding 4 that it's Mr. Siegle's responsibility to keep 5 statistics and create strategy assessments for 6 the Ohio High Intensity Drug Trafficking Area? 7 A. I'm sure that it is. 8 Q. If you turn to page 3, which is the 9 executive summary, do you see that? 10 A. Yes. 11 Q. If you look at the very last 12 sentence, you see that -- well, I'm sorry. The 13 last two sentences on that page. 14 So it says, "Another new trend 15 coming to the Ohio HIDTA region is heroin being 16 sold in disguise of oxycodone pills. The 17 heroin pills are coming from Mexican DTOs and 18 being produced by local DTOs." 19 Do you see that? 20 A. Yes. 21 Q. Do you understand what that means? 22 A. Yes. 23 Q. What does it mean? 24 A. I think it's, like, 25 self-explanatory. That there was a trend that</p>
<p style="text-align: right;">Page 119</p> <p>1 threat/strategy for 2015." 2 Are you familiar with this 3 document? 4 A. No, I'm not. I'm sure I would have 5 saw it, but I don't have -- it's not something 6 that would stand out with the hundreds of 7 documents that I see or reports that I -- I get 8 on a regular basis. 9 Q. So this is not a document that you 10 use on a regular basis? 11 A. No, it's not. 12 Q. Okay. And do you know why you were 13 receiving this? 14 A. I'm sure that I received it because 15 I was the investigative subdivision commander. 16 Q. Okay. And the report itself, the 17 attachment, on the first page says, "Threat 18 assessment and strategy program year 2015, Ohio 19 High Intensity Drug Trafficking Area," right? 20 A. Yes. 21 Q. And it says Derek Siegle is the 22 executive director? 23 A. Yes, he is. 24 Q. And you know that to be true? 25 A. Uh-huh.</p>	<p style="text-align: right;">Page 121</p> <p>1 was emerging at that point in time that drug 2 dealers were disguising their -- their product 3 in oxycodone pills, and that there was 4 information that HIDTA had that would lead them 5 to believe that some of it was coming from 6 Mexico. 7 Q. Okay. Do you know what "DTO" 8 means? 9 A. Drug trade organization, I think. 10 Q. I've heard drug trafficking 11 organization. 12 A. Drug trafficking organization. 13 Q. Okay. You and I can use "DTO" and 14 understand each other? 15 A. Yes. 16 Q. Okay. And by the way, it's okay 17 to -- to call that acronym HIDTA? 18 A. That's correct. 19 Q. Okay. It's much easier than trying 20 to spell it out. 21 Okay. And then if you look on that 22 same page, the very first sentence of the 23 second paragraph on that page, you see 24 there that sentence says, "In response to the 25 Ohio HIDTA drug threat survey 2015, all of the</p>

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1 responding law enforcement officials surveyed
 2 identified heroin provided by Mexican drug
 3 trafficking organizations, DTOs, as the
 4 greatest drug threat in their region."
 5 A. I do see that.
 6 Q. Okay. And so you would agree with
 7 me that for 2015, at least, HIDTA identified
 8 heroin rather than prescription opioids as the
 9 greatest threat to Akron, right?
 10 MR. LEDLIE: Object to the form of
 11 the question.
 12 A. That's what the report says.
 13 Q. Okay. And the report says that it
 14 is citing all of the responding law enforcement
 15 officials surveyed, right?
 16 A. Correct.
 17 Q. Were you one of those law
 18 enforcement officials that were surveyed?
 19 A. I was not. I'm certain that Akron
 20 would have been represented.
 21 Q. Do you know who from Akron?
 22 A. No. I would -- I would imagine
 23 that the chief would have assigned that to
 24 Captain Shearer or Lieutenant Garro to
 25 complete. It would go through his office.

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1 But that's what I typically do as
 2 well. I'll get a survey and send it to a
 3 subordinate employee whose area of work that
 4 more relates to, and they'll fill it out for
 5 the -- on behalf of the department.
 6 Q. And you would believe that they
 7 would answer accurately, correct?
 8 A. Yes.
 9 Q. Okay. So you have no reason to
 10 believe that this information is inaccurate,
 11 right?
 12 A. I do not.
 13 Q. Can you recall a time at all during
 14 your time on the Akron police force when heroin
 15 has not been a greater issue in Akron than
 16 prescription opioids?
 17 MR. LEDLIE: Object to the form of
 18 the question.
 19 A. Can you restate that?
 20 Q. Has -- has heroin ever not been the
 21 biggest problem?
 22 A. That's -- that's hard to -- to say
 23 definitively. We -- our exposure to heroin --
 24 mine has been very -- I never made an arrest
 25 for heroin in my entire career. There was a

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1 little bit of an uptick in the -- the early
 2 '90s, which was usual because it's not
 3 something that I had ever seen. So when it
 4 started to surge again in the -- probably 2013,
 5 2014, for me that was unusual to see that.
 6 Q. Have you ever known prescription
 7 opioids to be a bigger problem in Akron than
 8 heroin?
 9 MR. LEDLIE: Object to the form of
 10 the question.
 11 A. From my perspective, again, it
 12 would be hard to quantify that and say. I
 13 would say -- I -- I know that I've filled out
 14 more -- or I've approved more reports and seen
 15 officers work in patrol subdivision -- and this
 16 would go back. I'm not talking about -- I
 17 wouldn't be able to -- to reference from 2014
 18 and back or '15 and back, but that reports for
 19 stolen prescriptions or reports that allege
 20 stolen prescriptions or break-ins at
 21 pharmacies, robberies at pharmacies, it is --
 22 that number had been significant, as well.
 23 Q. Okay. You don't know the answer to
 24 my question --
 25 A. So I don't --

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1 MR. LEDLIE: Object to the form of
 2 the question.
 3 Q. You don't know the answer to my
 4 question, right?
 5 MR. LEDLIE: Object to the form of
 6 the question.
 7 A. I don't have a percentage or a
 8 number.
 9 Q. During your time in law
 10 enforcement, have you heard of Fentanyl-laced
 11 cocaine and meth?
 12 A. Yes.
 13 Q. And would you agree that dealers
 14 lacing drugs, including non-opioid drugs, with
 15 Fentanyl or carfentanil is a problem in Akron?
 16 A. Yes.
 17 Q. About how common is that problem;
 18 do you know?
 19 A. It's pretty common. I know that --
 20 that we've seen it with some regularity over
 21 the last couple of years, especially.
 22 Q. And it's a problem because people
 23 who are intending to buy cocaine end up
 24 buying -- end up taking a much more potent
 25 drug, right?

<p style="text-align: right;">Page 126</p> <p>1 MR. LEDLIE: Object to the form of</p> <p>2 the question.</p> <p>3 A. That would definitely present a</p> <p>4 problem, and we have seen that.</p> <p>5 Q. And that increases the risk of</p> <p>6 overdose?</p> <p>7 MR. LEDLIE: Object to the form of</p> <p>8 the question.</p> <p>9 A. It would.</p> <p>10 Q. Given that this drug-lacing occurs,</p> <p>11 would you agree that some people who overdose</p> <p>12 on opioids have never intended to take an</p> <p>13 opioid?</p> <p>14 MR. LEDLIE: Object to the form of</p> <p>15 the question.</p> <p>16 A. I wouldn't be able to say with</p> <p>17 certainty that that would or would not be, but</p> <p>18 I think that certainly is plausible.</p> <p>19 Q. Right. You agreed with me that</p> <p>20 this lacing does occur, right?</p> <p>21 A. Yes, it does.</p> <p>22 Q. And that people take cocaine</p> <p>23 intending to take cocaine, but they end up with</p> <p>24 an opioid in their system, right?</p> <p>25 MR. LEDLIE: Object to the form of</p>	<p style="text-align: right;">Page 128</p> <p>1 Document Titled "Drug Threat</p> <p>2 Assessment," SUMMIT_000023567 to</p> <p>3 23648, was marked for purposes of</p> <p>4 identification.)</p> <p>5 - - - - -</p> <p>6 Q. Chief Ball, the court reporter has</p> <p>7 just handed you what has been marked as</p> <p>8 Exhibit 6.</p> <p>9 Yeah, you can put that other one</p> <p>10 aside.</p> <p>11 And the title of this document is</p> <p>12 "Multi-Jurisdictional Law Enforcement Task</p> <p>13 Force Addendum to 2005 Justice Assistant Grant</p> <p>14 Application, Continued, Drug Threat Assessment,</p> <p>15 Summit County, Ohio." And it says it was</p> <p>16 prepared by Captain Hylton E. Baker, Summit</p> <p>17 County Sheriff's Office.</p> <p>18 Do you see that?</p> <p>19 A. Yes.</p> <p>20 Q. Have you ever seen this document</p> <p>21 before, to your recollection?</p> <p>22 A. I don't believe so.</p> <p>23 Q. Do you know who Captain Baker is?</p> <p>24 A. I know his name, and -- I don't</p> <p>25 think I've ever met him, but I do -- the name</p>
<p style="text-align: right;">Page 127</p> <p>1 the question.</p> <p>2 A. That could happen.</p> <p>3 Q. Okay. So it's -- I think, as you</p> <p>4 said, certainly plausible that individuals who</p> <p>5 end up overdosing on an opioid never intended</p> <p>6 to take one, right?</p> <p>7 MR. LEDLIE: Object to the form of</p> <p>8 the question.</p> <p>9 A. That could be the case.</p> <p>10 Q. All right. We've talked about the</p> <p>11 opioid epidemic and your understanding of it.</p> <p>12 Do you believe that Akron faces a</p> <p>13 prescription opioid epidemic?</p> <p>14 MR. LEDLIE: Object to the form of</p> <p>15 the question.</p> <p>16 A. I do.</p> <p>17 Q. And when did that prescription</p> <p>18 opioid epidemic begin, in your opinion?</p> <p>19 A. I believe that it -- that it</p> <p>20 started in -- like I had mentioned before, in</p> <p>21 the late '90s when we started to see a</p> <p>22 significant number of -- of reports and other</p> <p>23 interactions that suggested that.</p> <p>24 - - - - -</p> <p>25 (Thereupon, Deposition Exhibit 6,</p>	<p style="text-align: right;">Page 129</p> <p>1 is familiar.</p> <p>2 Q. So to your knowledge, you haven't</p> <p>3 worked with him?</p> <p>4 A. No, I haven't.</p> <p>5 Q. And you didn't contribute to this</p> <p>6 report?</p> <p>7 A. No, I would not have.</p> <p>8 Q. Okay. And if you turn with me to</p> <p>9 page 62, you see that it has a title</p> <p>10 "Pharmaceuticals" there?</p> <p>11 A. Yes.</p> <p>12 Q. And you see that it says, "Level of</p> <p>13 threat, very high"?</p> <p>14 A. Right.</p> <p>15 Q. And then it says, "The diversion of</p> <p>16 narcotics and pain analgesics in Summit County</p> <p>17 continues to increase," right?</p> <p>18 A. Yes.</p> <p>19 Q. And that the drugs of choice</p> <p>20 include OxyContin, Vicodin, Percocet, morphine,</p> <p>21 methadone, and Fentanyl?</p> <p>22 A. I do.</p> <p>23 Q. Okay. And if you turn back to the</p> <p>24 first page of the document, you see that this</p> <p>25 document is from 2005, right?</p>

<p style="text-align: right;">Page 130</p> <p>1 A. Yes.</p> <p>2 Q. Okay. So at least as of 2005, the</p> <p>3 diversion of narcotics and pain analgesics in</p> <p>4 Summit County was considered to be a threat,</p> <p>5 right?</p> <p>6 A. That's what this says --</p> <p>7 Q. Okay.</p> <p>8 A. -- yes.</p> <p>9 Q. Okay. And that's not inconsistent</p> <p>10 with your understanding, right?</p> <p>11 A. Right.</p> <p>12 Q. And even though this is a Summit</p> <p>13 County Sheriff's Office document, Akron is in</p> <p>14 Summit County, right?</p> <p>15 A. It is.</p> <p>16 Q. Okay. So there wouldn't be any</p> <p>17 dramatic difference between Akron and Summit</p> <p>18 County in this regard, right?</p> <p>19 MR. LEDLIE: Object to the form of</p> <p>20 the question.</p> <p>21 A. There are differences because they</p> <p>22 do not -- typically they're -- the Summit</p> <p>23 County drug unit does do cases inside of Akron.</p> <p>24 The makeup of the rest of the county is</p> <p>25 dramatically different from a socioeconomic</p>	<p style="text-align: right;">Page 132</p> <p>1 record at 11:30 a.m.</p> <p>2 (A recess was taken.)</p> <p>3 THE VIDEOGRAPHER: Back on the</p> <p>4 record at 11:43 a.m.</p> <p>5 Q. Chief Ball, during your more than</p> <p>6 25 years in law enforcement, have you ever</p> <p>7 known a time when abuse of drugs has not been a</p> <p>8 significant problem in your community?</p> <p>9 MR. LEDLIE: Object to the form of</p> <p>10 the question.</p> <p>11 A. No.</p> <p>12 Q. And setting aside opioids, what</p> <p>13 other drugs have been a problem in your</p> <p>14 experience?</p> <p>15 A. Cocaine, crack cocaine,</p> <p>16 methamphetamine, marijuana.</p> <p>17 Q. Any others come to mind right now?</p> <p>18 A. Not right to mind.</p> <p>19 Q. And how long have those other drugs</p> <p>20 been a problem in Akron? Since you started?</p> <p>21 A. Yes.</p> <p>22 Q. All of them?</p> <p>23 A. Yes.</p> <p>24 Q. You'd agree with me that heroin has</p> <p>25 been around a long time, right?</p>
<p style="text-align: right;">Page 131</p> <p>1 perspective. So I don't know if Captain</p> <p>2 Baker's report took into account and -- and</p> <p>3 where all of his statistics came from -- come</p> <p>4 from, but -- but there can be a dramatically</p> <p>5 different environment within Akron than there</p> <p>6 is in the rest of the county.</p> <p>7 Q. You wouldn't say, though, that in</p> <p>8 2005 Akron didn't see any kind of a</p> <p>9 pharmaceutical threat even though Summit County</p> <p>10 did?</p> <p>11 A. No, I wouldn't say that.</p> <p>12 Q. Okay. So it was something that</p> <p>13 Akron and Summit County knew about in 2005,</p> <p>14 right?</p> <p>15 MR. LEDLIE: Object to the form of</p> <p>16 the question.</p> <p>17 A. Yes.</p> <p>18 MS. SAULINO: I'm told we've been</p> <p>19 going a little over an hour, and I'm about to</p> <p>20 start another section. Do you want to break</p> <p>21 now?</p> <p>22 MR. LEDLIE: Yeah. It's a natural</p> <p>23 spot.</p> <p>24 MS. SAULINO: Okay.</p> <p>25 THE VIDEOGRAPHER: Going off the</p>	<p style="text-align: right;">Page 133</p> <p>1 A. Yes.</p> <p>2 Q. And it is just as addictive now as</p> <p>3 it was when it was first released?</p> <p>4 MR. LEDLIE: Object to the form of</p> <p>5 the question.</p> <p>6 A. I would imagine.</p> <p>7 Q. Do you know how long Fentanyl has</p> <p>8 been around in your community?</p> <p>9 A. No.</p> <p>10 - - - - -</p> <p>11 (Thereupon, Deposition Exhibit 7,</p> <p>12 Document Titled "Media Release,</p> <p>13 January 25, 2006, Heroin Users Face</p> <p>14 Potentially Fatal Ingredient,"</p> <p>15 SUMMIT_000350711 to 350712, was</p> <p>16 marked for purposes of</p> <p>17 identification.)</p> <p>18 - - - - -</p> <p>19 Q. The court reporter has just handed</p> <p>20 you what has been marked as Exhibit 7, which is</p> <p>21 Bates-stamped Summit 000350711. And this is a</p> <p>22 media release from Sheriff Drew Alexander on</p> <p>23 January 25, 2006.</p> <p>24 Do you see that?</p> <p>25 A. Yes, I do.</p>

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1 Q. And you see that this news release
2 references the fact that the sheriff, Sheriff
3 Alexander, was announcing that heroin, mixed
4 with a synthesized variant of Fentanyl, has
5 been found in Northeast Ohio?
6 A. Yes.
7 Q. Do you recall that?
8 A. No.
9 Q. You'd agree with me that this
10 suggests that Fentanyl was found to be a
11 problem in Northeast Ohio at least by January
12 of 2006, right?
13 A. Yes.
14 MR. LEDLIE: Objection.
15 A. This report would suggest that, or
16 at least that it had been found.
17 Q. Okay. And you see at the end of
18 the first page, it says, "During the early
19 1990s, Fentanyl was found to be the cause of
20 numerous deaths among heroin users throughout
21 the eastern United States?"
22 A. I do see that.
23 Q. The drug was marketed on the street
24 as "Tango and Cash"?
25 A. Right.

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1 Q. Do you remember that, Tango and
2 Cash?
3 A. I do not.
4 Q. Okay. All right. And -- and you
5 would have no reason to believe that Sheriff
6 Alexander would be sending a media release
7 about something that he was calling a problem
8 when it wasn't a problem, right?
9 A. I wouldn't believe that to be the
10 case.
11 Q. Do you know Sheriff Alexander?
12 A. I do.
13 Q. And do you think he was good at his
14 job?
15 A. I think he was good at his job.
16 Q. You can set that aside now.
17 Do you know how the volume of 911
18 calls today in Akron compares to the volume of
19 911 calls before 2014?
20 A. I do not.
21 Q. Do you know how the number of
22 arrests -- drug arrests today compares to the
23 number of drug arrests before 2014?
24 A. I do not.
25 - - - - -

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1 (Thereupon, Deposition Exhibit 8,
2 Akron Police Department 2004 Annual
3 Report, was marked for purposes of
4 identification.)
5 - - - - -
6 Q. Chief Ball, the court reporter has
7 just handed you what has been marked as Ball
8 Exhibit 8 -- or as Exhibit 8, which is the
9 Akron Police Department 2004 annual report.
10 It does not have a Bates stamp on
11 it. I can represent to you that we got it off
12 the website.
13 A. Okay.
14 Q. Are you familiar with this
15 document, at least in general?
16 A. In general.
17 Q. Okay. Did you have, to your
18 recollection, any involvement in preparing the
19 2004 version?
20 A. I don't believe so.
21 Q. And if you turn to page 28 of the
22 report -- the numbers are in the bottom left
23 corner. You see that this list calls for
24 service at the top of the page?
25 A. Right.

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1 Q. And it says "2004 calls for
2 service," and the total was 221,009 calls for
3 service?
4 A. Yes.
5 Q. Does that sound about right to you?
6 A. Yes.
7 Q. Okay.
8 - - - - -
9 (Thereupon, Deposition Exhibit 9,
10 3/15/2017 E-Mail from Paul Calvaruso
11 to Kenneth Ball Re: Staffing,
12 AKRON_001136994 to 001136995, was
13 marked for purposes of
14 identification.)
15 - - - - -
16 Q. The court reporter has just handed
17 you what has been marked as Exhibit 9, which is
18 an e-mail from Paul Calvaruso to yourself from
19 March 15, 2017, "Subject: Staffing," and
20 Mr. Calvaruso says, "Ken, here's what I worked
21 up in patrol."
22 Do you see that?
23 A. I do.
24 Q. Do you recall this exchange?
25 A. Yes, I do.

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1 Q. Okay.

2 A. Vaguely.

3 Q. And -- go ahead.

4 A. I do vaguely. I was working on a

5 justification document at the time for staffing

6 for all of our supervisory positions in the

7 police department.

8 Q. And -- and you see on the next

9 page, which is the attachment, about midway

10 through the first paragraph, there's a sentence

11 that begins "ironically." Sort of starts in

12 the middle of a line.

13 A. In the first paragraph?

14 Q. Yes. "Ironically, the number of

15 citizen" -- do you see that? If you look where

16 I'm pointing it can give you an idea of where

17 you're looking.

18 A. All right.

19 Q. So, like, right -- if you go down

20 and over.

21 A. All right. All right. I'm there.

22 Q. You got it?

23 A. Yeah.

24 Q. Okay. So you see that sentence

25 says, "Ironically, the number of

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1 citizen-generated calls for service in 2015 was

2 154,000, almost identical to the year 2000?"

3 A. Yes, I do.

4 Q. Okay. So it looks like

5 Mr. Calvaruso is telling you that between 2000

6 and 2015, the number of calls was about the

7 same, right?

8 MR. LEDLIE: Object to the form of

9 the question.

10 A. That's -- that's what it says.

11 Q. Okay. And did you have any reason

12 to dispute that?

13 A. Well, there -- there are different

14 ways that we calculate calls for service. We

15 have tried to make sure that those calls were

16 representative of a workload, and so some of

17 the calls have been taken out of those numbers.

18 So, for example, if an officer goes

19 to the police department to finish paperwork,

20 that's called a Signal 18, which is a "to the

21 station." So he's not going to have any

22 interaction with the public. It's not going to

23 generate any totals.

24 Also lunches, Signal 1s, which are

25 personal. Signal 2s, which are -- are meet a

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1 party if they don't qualify a certain way.

2 Those numbers have been -- have

3 been taken out so that there can be a greater

4 reflection of -- of workload.

5 So the number of 154,000 is

6 dramatically different than what -- for

7 example, you know, we're over 200,000 calls for

8 service in 2018, now. I think about 240-,

9 250,000 has been the number for the last few

10 years. So I don't know if the numbers that

11 Paul sent me had some of those other calls for

12 service that were -- that were taken out of

13 this for other specific reporting or

14 statistical purposes.

15 Q. Okay. You said that right now

16 you're at about 200,000 for not all -- not yet

17 all of 2018; is that right?

18 A. Correct.

19 Q. Okay.

20 A. We're averaging about 20,000 calls

21 for service in 2018 per month.

22 Q. And you said that 240,000 to

23 250,000 has been -- has been about the number

24 for the last few years?

25 A. Yeah, I'm pretty certain.

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1 Q. Do you know how many years?

2 A. No.

3 Q. Okay. And then I think you were

4 explaining that different factors can go into

5 those numbers that changes them, even though

6 the numbers -- so they might not be comparable;

7 is that fair?

8 A. Right, they might not be

9 comparable. If they're not including all

10 the -- all the same types of calls or the -- or

11 all the designations that we have that would be

12 considered a call, then they wouldn't be

13 consistent.

14 Q. Okay. Well, who is Mr. Calvaruso?

15 A. Paul was previously a captain in

16 the Akron Police Department in patrol

17 operations office. And then he was -- he and I

18 were promoted to deputy chief at the same time

19 in 2015, and I was in charge of the

20 investigative subdivision; he was in charge of

21 the uniform subdivision.

22 Q. And did you have any reason to

23 doubt what he wrote here in his attachment?

24 A. No, I don't doubt anything he says.

25 Although, again, I'm uncertain as to -- to what

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1 exactly that -- that total represents.
 2 Q. All right. Well, why don't we look
 3 at his explanation that follows that sentence.
 4 A. Okay.
 5 Q. He says, "However, in 2016 that
 6 figure went up to 160,000. There have been
 7 significant changes to various aspects of our
 8 operations between then and now. We have
 9 adopted a new alarm policy, technology has
 10 improved, and we have become more automated,"
 11 right?
 12 A. Right.
 13 Q. And then he says, "At the same
 14 time, however, we have been confronted with an
 15 opiate problem, which has placed more time
 16 demands on our resources. We have implemented
 17 our formalized Park and Walk Program, et
 18 cetera," right?
 19 A. Yes.
 20 Q. And then the beginning of the next
 21 paragraph is -- he says, "For the sake of
 22 simplicity, we will assume that those variables
 23 balance out between how things were in 2000 and
 24 how they currently exist today," right?
 25 A. Correct.

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1 Q. Okay. So at least deputy chief
 2 Calvaruso was saying that the numbers are
 3 comparable, it's just that there are different
 4 factors in them now because there's more
 5 technology, but this now includes the opiate
 6 problem, right?
 7 A. Right.
 8 Q. Okay. So he's including the opiate
 9 problem in these numbers?
 10 A. Yes. But, again, I don't know
 11 what -- if there's a variance in -- the
 12 variance in number that -- you know, I don't
 13 know if that's because they've extracted. When
 14 I get the totals now on my monthly dashboard,
 15 I've got two numbers. One is with those
 16 numbers included, one is without those numbers
 17 Without the lunches, without the stopping to
 18 get gas, without the -- to the station to
 19 complete paperwork.
 20 So we have citizen-generated calls
 21 for service, we have officer-generated calls
 22 for service, and then we have calls for service
 23 that don't -- that don't fit that are extracted
 24 just for the sake of being efficient with our
 25 numbers and really representing what our

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1 workload is.
 2 Q. Okay. He's being specific about
 3 the fact that he's talking about
 4 citizen-generated calls here, right?
 5 A. Okay. I don't know. I didn't --
 6 Q. In the "ironically" sentence there
 7 where we started.
 8 A. Maybe it would be better if I took
 9 the time to read through it so I could answer
 10 your questions more --
 11 Q. Well, I'm just looking back at
 12 that --
 13 A. -- more directly.
 14 Q. -- that very sentence that we
 15 started with, "Ironically, the number of
 16 citizen-generated calls for service in 2015."
 17 A. Okay. So that would -- that could
 18 describe -- or be the explanation as to why
 19 that number is significantly less. Because a
 20 traffic stop that's initiated by an officer, a
 21 suspicious person stop, he drives up in his
 22 patrols and sees a -- a fight that's happening,
 23 those are officer-generated calls for service.
 24 So I'm -- the number I referenced
 25 to you that was -- that was the 20,000 per

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1 month now that we average and the typically
 2 240,000, 250,000 calls for service include
 3 officer-generated calls for service.
 4 Q. Okay. And you'd agree with me that
 5 he says here at the beginning of the second
 6 paragraph, "For the sake of simplicity, we
 7 assume those variables balance out between how
 8 things were in 2000 and how they currently
 9 exist today," right? That's just --
 10 A. Right.
 11 Q. -- what he says, right?
 12 A. Yeah.
 13 Q. And you have no reason to believe
 14 that Deputy Chief Paul Calvaruso was not
 15 careful about his statement here, right?
 16 A. Right.
 17 Q. Okay. Now, were you also putting
 18 together a similar document at the same time?
 19 A. I was. I was using information
 20 from throughout the police department to work
 21 on a document from a budget standpoint that
 22 would justify every supervisor -- supervisory
 23 position in the -- in the police department,
 24 because we had previously been authorized for
 25 between 485 and 525 officers. Being well below

<p style="text-align: right;">Page 146</p> <p>1 those numbers, it was important to right-size 2 the supervisory staff so that there wasn't a -- 3 a small span of control, we didn't have 4 inefficiencies with supervisors, or we didn't 5 have officer jobs that weren't being worked 6 because we were top-heavy with management or 7 supervisory staff. 8 Q. Okay. So why were you working on 9 this budget document? Did someone assign that 10 to you? 11 A. Yes. 12 Q. Who was that? 13 A. The chief. 14 Q. And was this -- was -- was working 15 on such budget documents a typical part of your 16 responsibilities as deputy chief? 17 A. Yes. 18 Q. And who were you providing it to? 19 The chief? 20 A. Correct. So that it could go to 21 the deputy mayor and the mayor and chief of 22 staff so they could -- and budget and finance 23 so they could make those determinations of what 24 our bottom-line numbers would be. 25 Q. Do you recall what the outcome was?</p>	<p style="text-align: right;">Page 148</p> <p>1 process looked like for the chief at that point 2 in time. But I do know the numbers that were 3 recommended were -- were accepted. 4 And I do know that I just completed 5 another evaluation of the entire police 6 department with a recent report submitted to 7 the deputy mayor and the mayor for staffing 8 plan for the Akron Police Department that is 9 requesting 222 officers. This has 205 for 10 patrol. My document from this year requests 11 222 officers. 12 Q. Okay. And you created that -- or 13 helped create that document? 14 A. Yes. 15 Q. And who did you submit it to? 16 A. Deputy mayor. 17 Q. Have you received any comments from 18 him? 19 A. Not yet. I mean, it might have 20 been in passing, like, you know, the number 21 of -- just, you know, in passing that he was 22 going to pass it along to the mayor, but we 23 didn't know exactly what our budgets would 24 allow. 25 Q. But it is your understanding that</p>
<p style="text-align: right;">Page 147</p> <p>1 A. I don't recall. I know that we 2 had -- there were several positions that were 3 determined not to be an absolute priority 4 with -- with less numbers overall in the police 5 department, so we -- I had to prioritize those 6 altogether for sergeant, lieutenant, captain 7 within the entire police department. 8 Q. Do you recall whether you got any 9 comments back from Deputy Mayor Brown? 10 A. Well, at that point in time, he 11 wouldn't have been a deputy mayor. He would 12 have been either a lieutenant in patrol -- 13 well, let me just -- 2017, he would have been a 14 deputy mayor at that point in time. No, I 15 would not have had that direct interaction. He 16 would have had that with the chief. 17 Q. So -- and -- so you don't know 18 whether it happened or not? 19 A. If what happened? 20 Q. That direct interaction happened? 21 A. I do not know if that happened. 22 Q. Okay. 23 A. He could have dealt directly with 24 the mayor. He could have dealt directly with 25 budget and finance. I don't know what that</p>	<p style="text-align: right;">Page 149</p> <p>1 Deputy Mayor Brown is involved in the budgeting 2 process, right? 3 A. Yes. 4 Q. And that he receives your budgets 5 and reviews them, right? 6 A. Right. 7 Q. And provides comments when he has 8 them, right? 9 A. Yes. 10 Q. Okay. So it would surprise you to 11 hear that he believes he has no involvement in 12 the process. 13 MR. LEDLIE: Object to the form of 14 the question. 15 Q. That would surprise you? 16 A. Yes. 17 Q. In the second half of 2017, did you 18 have a significant decrease in fatalities in 19 northern Ohio due to drug overdoses? 20 A. I don't believe that there was in 21 northern Ohio. I do believe -- I do know that 22 there was in Akron, Ohio. 23 Q. Okay. Tell me -- 24 A. And it seemed like -- 25 Q. -- what you remember about that?</p>

<p style="text-align: right;">Page 150</p> <p>1 A. In August of 2017, there was a -- a 2 decline, and it was considerable and it was 3 consistent. And we were kind of an -- an 4 anomaly, as far as that is concerned, from the 5 feedback that I would get from other law 6 enforcement agencies; that the problems 7 continue to be very straight-line for them, 8 whereas ours had had a significant drop-off. 9 Q. And do you know, were you able to 10 attribute that drop-off to anything in 11 particular? 12 A. We've speculated about it and had 13 conversations as to what could be involved, and 14 I think some of those are, you know, educated. 15 But I don't think that there would be any- -- 16 that there's anything available to say that 17 absolutely there's a cause and effect and we 18 can put a percentage on it or we know that this 19 absolutely was responsible in this particular 20 way. 21 Q. Fair enough. I -- I know you can't 22 provide absolutes, but what has been your 23 educated speculation? 24 MR. LEDLIE: Object to the form. 25 You can answer the question.</p>	<p style="text-align: right;">Page 152</p> <p>1 opportunity that we were connecting with 2 families and those that were suffering from 3 addiction. That probably had an impact. 4 I don't know. There's many 5 different things that could have contributed to 6 that change. 7 Drug dealers not wanting to -- to 8 kill off their -- their clientele, so they 9 became more informed and more careful about 10 their mixtures of drugs or their use of the 11 most potent drugs of Fentanyl, carfentanil, may 12 have played a significant part in that. 13 It's -- it's -- I think that it's a 14 cocktail with all of those different things 15 having an impact treat- -- having an impact. 16 We had treatment opportunities and education 17 and -- it's multifaceted. 18 Q. Okay. Has that decrease continued 19 through this year? 20 A. It has been pretty consistent. 21 We did see a little bit of an 22 uptick around -- when weather started to get a 23 little bit nicer in May of this year. We've 24 had a little bit of an increase, and it's been 25 pretty consistent over the last several months.</p>
<p style="text-align: right;">Page 151</p> <p>1 A. I think we saw the increase in meth 2 seizures in Akron, Ohio. I believe that it was 3 likely a response from drug dealers. Our 4 efforts for prosecuting drug dealers who are 5 responsible for sales that resulted in the 6 death of individuals, we had great success with 7 those prosecutions. We had significant 8 sentences, had taken advantage of federal 9 prosecutions in some of those cases that 10 tripled some of the sentencing that was issued. 11 They got a lot of publicity. 12 There has been much, much talk 13 about this in the news and in other media forms 14 and with community meetings and leadership 15 groups. 16 I think from a -- an awareness 17 standpoint that our -- our environment changed 18 dramatically over those several years. There 19 was a greater pressure on social services so 20 that treatment options would be available. 21 There were strategies that were 22 adopted by law enforcement, like Quick Response 23 Teams, where education and involvement at 24 the -- at -- you know, what were our first 25 opportunities are known to be, so the first</p>	<p style="text-align: right;">Page 153</p> <p>1 Oh, Narcan. I didn't mention 2 Narcan before. That obviously has had a 3 significant impact when the doses of Narcan 4 are -- you know, go from nothing to thousands 5 in short periods of time. Availability of 6 Narcan for not only drug addicts, but loved 7 ones and -- and other people that are close and 8 attached to them, so we don't have the reports 9 if somebody has been Narcaned and they respond 10 to it immediately, there's less of an 11 inclination to call police in those -- in those 12 instances or call emergency services in those 13 instances. So Narcan has -- I'm certain, had a 14 significant impact on it. 15 Q. Okay. So each of these factors 16 that you identified as being a part of, in your 17 view, the decrease in overdoses and fatalities, 18 you identified Narcan, you identified the 19 availability of treatment centers, you 20 identified education. Each of these things, 21 did they -- did they start in 2017? 22 A. No. I think that obviously some of 23 them started in 2013, 2014, with our assigning 24 detectives to investigate those deaths. The 25 publicity that it was getting started earlier</p>

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1 than 2016; although, when the introduction of
 2 carfentanil came, there was even more of an
 3 emphasis on it.
 4 But I'm sure that the work that we
 5 do in diversion has had an impact. I know that
 6 we had instances where doctors were arrested as
 7 well, and that got some publicity. So I think
 8 that -- and I'm familiar with that changes
 9 in -- in prescribing tactics have changed, as
 10 well, so that might have or that would have an
 11 impact, too, that's hard to measure.
 12 But, no, there were -- there were
 13 awarenesses. It just grew with the momentum
 14 that -- that came with greater addiction and
 15 more families being impacted and there being
 16 bodies stacked up at the coroner's office, that
 17 got a lot of attention.
 18 Q. Okay. I'm not sure how that was
 19 the answer to my question, but --
 20 A. Okay. Then rephrase it, and I'll
 21 be glad to answer you.
 22 Q. Well, it sounds to me as though you
 23 were identifying a number of factors that
 24 started -- that each sort of started at
 25 different times. Is that fair?

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1 A. Yes.
 2 Q. Okay. And is it fair to say that
 3 if each of them had started earlier, we might
 4 have seen this impact earlier?
 5 MR. LEDLIE: Object to the form of
 6 the question.
 7 A. I think that that's fair.
 8 Q. Okay. And so if more doctors, for
 9 instance, had been arrested earlier, that might
 10 have helped things sooner, right?
 11 MR. LEDLIE: Object to the form of
 12 the question.
 13 A. I -- I think that's logical.
 14 Q. And if the higher sentences for --
 15 and for prosecuting the -- those responsible
 16 for deaths had happened earlier, that might
 17 have had an impact earlier, right?
 18 A. We would like to think.
 19 Q. And if the availability of Narcan
 20 had been -- had happened sooner, that would
 21 have had an impact earlier, right?
 22 MR. LEDLIE: Object to the form of
 23 the question.
 24 A. I think that it would, and if our
 25 resources were unlimited or if our resources

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1 were greater than what they were, it would have
 2 been -- we would have hoped to think that
 3 that's what would have happened.
 4 Q. Did you ask for Narcan earlier?
 5 A. I didn't ask for Narcan earlier.
 6 Q. Okay. Well, you just said if our
 7 resources had been greater earlier. I wanted
 8 to know whether you had specifically asked for
 9 something that you had been denied.
 10 A. Well, there's a -- there's a part
 11 of our process that always includes do we have
 12 the people and do we have the money? Do we
 13 have the equipment? Do we have the technology?
 14 Do we have the capacity? In all those areas,
 15 that's always a part of our decision-making
 16 process.
 17 So I'm certain that at the time
 18 that Chief Nice was making those decisions,
 19 that every single one of those con- -- every
 20 single one of those conversations included, can
 21 we afford it and do we have the people to do
 22 something with this?
 23 Q. Well, you've been able to put all
 24 of that together this year, right? It sounds
 25 like you've been able to keep the downturn at

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1 the -- at the lower levels, right?
 2 MR. LEDLIE: Object to the form.
 3 A. Well, it would be nice if I could
 4 go out and take credit for that everyplace I go
 5 and say it's a reflection of my leadership
 6 or -- but I don't think that that -- may be
 7 part of it, but I think that it's a -- you
 8 know, there's so many other things that go into
 9 it.
 10 Q. Okay. And you say that you're
 11 certain that Chief Nice was taking into
 12 account, I think, many factors that you
 13 identified in making his decisions about
 14 resources? How are you certain?
 15 A. I would have been -- I know that
 16 that's the -- that's the process that when you
 17 run the organization, that that's a constant.
 18 It exists in every conversation we have. Do we
 19 have the --
 20 Q. Okay.
 21 A. -- the people to do it? Go ahead.
 22 Q. But you didn't talk to Chief Nice
 23 specifically about that, right?
 24 MR. LEDLIE: Object to the form of
 25 the question. He's answering the question.

<p style="text-align: right;">Page 158</p> <p>1 Please let him finish.</p> <p>2 A. Yeah, I don't remember talking to</p> <p>3 Chief Nice specifically. I do remember being</p> <p>4 in meetings where it was discussed what would</p> <p>5 be strategies for fighting the opioid epidemic</p> <p>6 or trying to be impact- -- more impactful as a</p> <p>7 law enforcement organization; recognizing the</p> <p>8 need in the community; being completely</p> <p>9 overwhelmed and, you know, affected, knowing</p> <p>10 that we had more people dying of drug overdoses</p> <p>11 than we had that were being killed in -- in --</p> <p>12 in purposeful acts, which is typically what,</p> <p>13 you know, law enforcement agency had been</p> <p>14 dealing with prior to this issue.</p> <p>15 Q. Okay. So you say you remember</p> <p>16 being in meetings where it was discussed, and</p> <p>17 then you stated a lot of things after that.</p> <p>18 Tell me when these meetings were.</p> <p>19 A. I wouldn't be able to -- to recall.</p> <p>20 And it could have happened in a -- it could</p> <p>21 have happened in a morning staff meeting that's</p> <p>22 held for the executive staff of the police</p> <p>23 department. It could have been in another</p> <p>24 meeting that -- that Jim Nice may have had</p> <p>25 with --</p>	<p style="text-align: right;">Page 160</p> <p>1 A. It -- it was a gen- --</p> <p>2 Q. -- you remembered being in?</p> <p>3 A. In a general sense.</p> <p>4 Q. Okay. And do you remember when the</p> <p>5 first of those meetings was?</p> <p>6 A. No, I don't.</p> <p>7 Q. Okay.</p> <p>8 A. Probably in, I would -- it would</p> <p>9 have been when I became a deputy chief and I</p> <p>10 was attending those meetings on a daily basis.</p> <p>11 I mean, there were times when I was</p> <p>12 a midnight shift commander, where in order to</p> <p>13 stay connected with the police department and</p> <p>14 wanting to be able to represent the officers</p> <p>15 who work when all the decision-makers are not</p> <p>16 there, that I would have stayed and I would</p> <p>17 have come in for some of those meetings. But I</p> <p>18 couldn't do it on a regular basis because of my</p> <p>19 schedule and the other demands that I have in</p> <p>20 life away from the department.</p> <p>21 So coming in for a 10:00 meeting is</p> <p>22 really difficult when you get off work at</p> <p>23 in the morning and you've got to be back at</p> <p>24 work at 11:00 at night and --</p> <p>25 Q. Oh, I'm not contesting that, sir.</p>
<p style="text-align: right;">Page 159</p> <p>1 Q. Are you guessing right now?</p> <p>2 MR. LEDLIE: Object to the form of</p> <p>3 the question.</p> <p>4 A. I don't know. What's your</p> <p>5 preference? Do you want -- I can -- I don't</p> <p>6 have that specific answer. I can't say that I</p> <p>7 met -- you know, we -- this group met with him</p> <p>8 on this date at this time and -- and this was</p> <p>9 the topic of conversation.</p> <p>10 I mean, there's a generality</p> <p>11 that -- that -- and a familiarity that I'll</p> <p>12 have with our process and some familiarity that</p> <p>13 I'll have with some of those meetings.</p> <p>14 But I don't have that kind of</p> <p>15 recall to be able to say it was, you know, this</p> <p>16 specific and this was the topic of</p> <p>17 conversation, these were the factors that were</p> <p>18 important to that conversation, and this was</p> <p>19 the decision that was made, and here's how we</p> <p>20 executed it following that meeting. That's not</p> <p>21 within my -- that -- my ability to recall</p> <p>22 that -- all that directly.</p> <p>23 Q. Okay. I'm simply asking because</p> <p>24 you said you remembered being in meetings, and</p> <p>25 so I was asking about the meetings --</p>	<p style="text-align: right;">Page 161</p> <p>1 A. Okay.</p> <p>2 Q. But you did attend some of those</p> <p>3 meetings during that time?</p> <p>4 A. Yes, I would have.</p> <p>5 Q. So that would have been, what, in</p> <p>6 the mid-2000s?</p> <p>7 A. It would have been -- no. It</p> <p>8 didn't start until probably 2012 or 2013.</p> <p>9 Q. Okay. And these meetings that you</p> <p>10 are talking about to discuss allocation of</p> <p>11 resources, it sounds as though you were saying</p> <p>12 that you have finally figured out, at least</p> <p>13 partly, the right mix of resources, right?</p> <p>14 MR. LEDLIE: Object to the form.</p> <p>15 A. We did the best that we could with</p> <p>16 what we had.</p> <p>17 Q. Okay. And if you had figured out</p> <p>18 that right mix earlier, there might have been</p> <p>19 an earlier effect on the extent of the opioid</p> <p>20 epidemic, right?</p> <p>21 MR. LEDLIE: Object to the form of</p> <p>22 the question.</p> <p>23 A. I think in hindsight, that would be</p> <p>24 fair.</p> <p>25 Q. Now, you mentioned the availability</p>

<p style="text-align: right;">Page 162</p> <p>1 of meth as one of the factors. Can you explain 2 that?</p> <p>3 A. We have seen a significant increase 4 in meth seizures in Summit County.</p> <p>5 Q. Okay. And does that indicate to 6 you, then, that there is more meth on the 7 streets?</p> <p>8 A. Safe to say.</p> <p>9 Q. Okay. And so are you then -- I'm 10 just trying to understand. So are you then 11 suggesting that -- it seems to you in your 12 experience that meth has become more prevalent 13 recently than other types of drugs?</p> <p>14 MR. LEDLIE: Object to the form of 15 the question.</p> <p>16 A. I'm not certain. I don't have 17 those numbers. But I do know that, again, to 18 speculate that --</p> <p>19 First of all, the -- the prices of 20 meth came down significantly and the influx of 21 it, and then the resources for it, there was an 22 environment previously where the meth was being 23 made in Akron.</p> <p>24 We had an incredible -- we had a 25 meth investigation team. They were clandestine --</p>	<p style="text-align: right;">Page 164</p> <p>1 you're seeing that meth has gone up and opioids 2 have gone down; is that fair?</p> <p>3 MR. LEDLIE: Object to the form.</p> <p>4 A. I don't know for certain if opioids 5 have gone down or not. I think that they're -- 6 by just looking at the numbers that we have for 7 overdoses, that would be the fact. I'm not 8 certain about where our seizures would relate 9 or where our arrests would relate period to 10 period to period.</p> <p>11 Q. Okay. And just to round out 12 another portion of the -- of your answer, 13 you -- you mentioned a couple of different 14 kinds of arrests. You mentioned arrests and 15 prosecutions of doctors, right?</p> <p>16 A. (Witness nodding head.)</p> <p>17 Q. Who were those doctors?</p> <p>18 A. I don't know.</p> <p>19 Q. Oh, you -- okay.</p> <p>20 And what about the individuals who 21 got the increased sentences for the deaths?</p> <p>22 A. I wouldn't be able to give you 23 their -- their names.</p> <p>24 Q. You don't have their names?</p> <p>25 A. No.</p>
<p style="text-align: right;">Page 163</p> <p>1 CLET, clandestine lab team, and they would go 2 out and disassemble -- they would have 3 specialized training, and they would 4 disassemble the -- the labs and do it in a way 5 that was safe for them, safe for the 6 environment. And we had a significant problem 7 with that in, you know, the past.</p> <p>8 There was a change, and it became 9 much more readily available. The supply 10 increased, the prices went down, so that we 11 don't have that same issue now. People 12 aren't -- people aren't manufacturing meth in 13 Akron, Ohio, with the proclivity that they were 14 a few years ago.</p> <p>15 So because it's readily available, 16 and maybe because drug dealers are responding 17 to it and "I don't want to get arrested for 18 Fentanyl or heroin or carfentanil because of 19 the ramifications that come with that," they 20 may have, you know, navigated to meth, with it 21 offering less threat to their business, less 22 threat to their customers, so that those 23 customers continue to return and -- and buy 24 drugs from them.</p> <p>25 Q. Right. So -- so in other words,</p>	<p style="text-align: right;">Page 165</p> <p>1 Q. Any other arrests in particular 2 come to mind as having been important?</p> <p>3 A. There was a very large seizure made 4 by Summit County drug unit of a -- of a 5 Fentanyl case. This was in Boston -- Boston 6 Heights, which is just north of our 7 jurisdiction. That got a lot of attention 8 because of the number of people that were 9 involved with it and the extent.</p> <p>10 There was another one that stands 11 out. It's recently been --</p> <p>12 Q. Sorry. When was --</p> <p>13 A. -- in the paper --</p> <p>14 Q. -- that one? Sorry, before you 15 move on, when was that one?</p> <p>16 A. I don't know. Maybe --</p> <p>17 Q. The Fentanyl?</p> <p>18 A. Maybe two years ago.</p> <p>19 Q. Okay.</p> <p>20 A. Could have been three years ago.</p> <p>21 Q. And how many people were involved?</p> <p>22 A. I don't know. The familiarity that 23 I have is a -- is a -- maybe a brief summary 24 that was given to me at an executive meeting or 25 what I read in the newspaper, saw online.</p>

<p style="text-align: right;">Page 166</p> <p>1 Q. Okay. You said it stood out 2 because of the number of people. Do you have a 3 ballpark number of people? 4 A. No, I don't. 5 Q. More than five? 6 A. Yeah, more than five. 7 Q. More than ten? 8 A. I don't know for sure. 9 Q. Okay. And then you were saying 10 there was another one? 11 A. There was another one that involved 12 a couple in southwest Akron in Kenmore. And it 13 stands out because of the amount of drugs that 14 they were selling, and then also the incredibly 15 extravagant lifestyle that it was able to 16 provide for them. 17 Our seizures were, you know, she 18 would -- she was laundering money through 19 purchases of very high-end shoes, handbags, and 20 other stuff. She had a \$700,000 bill one month 21 with just one high-end provider that did -- did 22 handbags and suitcase and other things. So 23 it's -- it's -- 24 Q. Do you remember when that one was? 25 A. A couple years ago. We're in the</p>	<p style="text-align: right;">Page 168</p> <p>1 they keep some sort of files for arrests for, 2 for instance, Fentanyl and those kind of -- for 3 opioids? 4 A. I don't know if they keep it 5 separately. 6 Q. You don't? Do you know if they 7 have a filing system for who they arrest? 8 A. I'm sure they do. 9 Q. Okay. But you don't -- 10 A. No. 11 Q. -- know anything specific about it? 12 A. I don't have that. 13 Q. Okay. And Captain Shearer would be 14 the best one to ask? 15 A. He would be. He or Lieutenant 16 Garro. 17 Q. Okay. 18 A. Captain Shearer has been the 19 commander of that unit for many years. 20 Q. And you said the other one is 21 Lieutenant Garro? 22 A. Lieutenant Garro. 23 MS. SAULINO: Okay. Now I promised 24 a break. 25 THE WITNESS: Okay.</p>
<p style="text-align: right;">Page 167</p> <p>1 middle of the -- I think they may have -- 2 they're in the middle of the trial maybe now or 3 may have just recently be adjudicated. 4 Q. Do you remember their names? 5 A. No, I don't. 6 Q. Okay. But you think if we 7 looked -- if we looked it up, it would be a 8 recently adjudicated trial, even maybe now? 9 A. Yeah. 10 Q. Okay. Any others stand out to you? 11 A. No, not just off the cuff. 12 Q. Okay. I think I promised a break, 13 but, just, I have one follow-up question. 14 Where would we be able to get the 15 arrest information and names for the people 16 that we were -- 17 A. You can get it from our narcotics 18 unit. Captain -- 19 Q. From the narcotics unit? 20 A. Captain Shearer may not have it at 21 the -- you know, but he certainly would have 22 quick access if he didn't. He would probably 23 be familiar with those cases. 24 Q. Do you know -- and I know we can 25 ask Captain Shearer, but do you know whether</p>	<p style="text-align: right;">Page 169</p> <p>1 MS. SAULINO: So why don't we have 2 lunch, and then we'll come back, I hope. 3 THE VIDEOGRAPHER: Going off the 4 record a 12:21 p.m. 5 (Luncheon recess.) 6 THE VIDEOGRAPHER: Back on the 7 record at 1:17 p.m. 8 BY MS. SAULINO: 9 Q. Chief Ball, thanks for coming back 10 after lunch. 11 A. Did I have a choice? 12 Q. I'll let your attorney answer that 13 question. 14 A. I'm glad -- glad to be back. 15 Q. So this morning you and I talked 16 briefly about what you have in front of you, 17 Exhibit 2, which is the -- as-of-October-31st 18 report -- 19 A. Okay. 20 Q. -- for drug -- is that drug 21 overdose deaths? 22 A. It's overdoses and deaths. 23 Q. Overdoses and deaths. Okay. 24 And, then, you and I also discussed 25 at one point a database that I think was for</p>

<p style="text-align: right;">Page 170</p> <p>1 drug -- for overdose deaths, right?</p> <p>2 A. Right.</p> <p>3 Q. Is that right?</p> <p>4 A. Yes.</p> <p>5 Q. Does that report come from the same</p> <p>6 database? Are those two the same thing? No?</p> <p>7 Okay. So can you tell me how many databases</p> <p>8 would record drug-related incidents like</p> <p>9 overdoses and deaths?</p> <p>10 A. No. I mean, I do know about those</p> <p>11 two specifically that we've talked about.</p> <p>12 This -- and I don't even know if I would call</p> <p>13 this a database. This is just a report that's</p> <p>14 updated daily by planning and research, adding</p> <p>15 the numbers from the day before.</p> <p>16 Q. By "this" you mean Exhibit 2,</p> <p>17 right?</p> <p>18 A. Exhibit 2.</p> <p>19 Q. Okay. Go ahead.</p> <p>20 A. The database that records those</p> <p>21 overdose deaths, that is something specifically</p> <p>22 that I know that's generated whenever there's a</p> <p>23 new death, the next name is added to it. I</p> <p>24 think it's an Excel spreadsheet that shows also</p> <p>25 what it looked like in 2017, 2016. Those</p>	<p style="text-align: right;">Page 172</p> <p>1 for sure who's on that -- who's on that</p> <p>2 distribution list. I know when I was a deputy</p> <p>3 chief, I would get that same thing.</p> <p>4 Q. And about -- I realize that it's</p> <p>5 not regular, because it's whenever there's an</p> <p>6 update, but about how often do you get a copy</p> <p>7 of that spreadsheet?</p> <p>8 A. Just -- the last time may have been</p> <p>9 three days ago. I'm not -- it just was</p> <p>10 whenever one occurs, so there's not been a --</p> <p>11 there's not a predictability.</p> <p>12 Q. So each time there's a death --</p> <p>13 A. Yes.</p> <p>14 Q. -- then the spreadsheet is updated</p> <p>15 and e-mailed out to everyone?</p> <p>16 A. Correct.</p> <p>17 Q. And by "everyone," it's -- so it's</p> <p>18 you, the deputy chiefs. Who else?</p> <p>19 A. I don't know for sure who's on the</p> <p>20 distribu- -- distribution. I've never paid</p> <p>21 attention to that.</p> <p>22 Q. Okay. And that -- we should be</p> <p>23 able to find that in your e-mails?</p> <p>24 A. Uh-huh.</p> <p>25 Q. Yes?</p>
<p style="text-align: right;">Page 171</p> <p>1 numbers are kept in that database.</p> <p>2 That's the one that includes</p> <p>3 victim, identifiers for the victim, address of</p> <p>4 the incident, which detective is assigned to</p> <p>5 that investigation, if there's a suspect that's</p> <p>6 known. And I think that there is a -- last</p> <p>7 column is -- or there's another column for</p> <p>8 where it's at in the adjudication, if it's been</p> <p>9 adjudicated, what the results were. And I</p> <p>10 think there may be also a line -- that's all I</p> <p>11 know for sure.</p> <p>12 Q. Okay. So for this death database,</p> <p>13 for lack of a better term -- unless you have a</p> <p>14 better term for it -- is there -- is there</p> <p>15 someone in particular who maintains that?</p> <p>16 A. The detectives that do the overdose</p> <p>17 death investigations are the ones who e-mail it</p> <p>18 to -- e-mail it out.</p> <p>19 Q. Okay. Well, so that was my next</p> <p>20 question. Does it then get periodically sent</p> <p>21 around to people?</p> <p>22 A. Whenever there's an update, it gets</p> <p>23 sent to me.</p> <p>24 Q. Okay.</p> <p>25 A. And I don't -- I don't have -- know</p>	<p style="text-align: right;">Page 173</p> <p>1 A. Yes.</p> <p>2 Q. Do you print them out and write on</p> <p>3 them at all or anything like that?</p> <p>4 A. I had at one point, because there</p> <p>5 was -- I just, you know, kept a copy in my</p> <p>6 planner so that I could speak about some of the</p> <p>7 statistics, but it's not something that I have</p> <p>8 formally or do with regularity.</p> <p>9 Q. The one that you kept in your</p> <p>10 planner, do you still have it in your planner?</p> <p>11 A. No. Like, the only -- a note that</p> <p>12 I would write as I would -- if I pulled it up</p> <p>13 and today was -- today was November 7th, I</p> <p>14 would look at '17 and then write the number</p> <p>15 for -- that we had at the same period of time</p> <p>16 in '17, the number that we had for the same</p> <p>17 period of time in '16. So the only notes that</p> <p>18 I ever put on them were those two bits of</p> <p>19 information that have -- by having a printed</p> <p>20 copy, I wouldn't have that number available, so</p> <p>21 I would write it down there for a reference.</p> <p>22 Q. I see. And do you still have that</p> <p>23 document somewhere?</p> <p>24 A. I may have one in my planner.</p> <p>25 Q. Okay. Did you provide it to</p>

<p style="text-align: right;">Page 174</p> <p>1 counsel for production to us?</p> <p>2 A. I don't --</p> <p>3 MR. LEDLIE: Anything that's been</p> <p>4 given to us has been produced.</p> <p>5 A. Yeah. I mean --</p> <p>6 MR. LEDLIE: I can check.</p> <p>7 A. -- they have -- I know that they</p> <p>8 have access to that database. But a report</p> <p>9 with, you know, 2018's report in October that</p> <p>10 had 2017's number written on it, 2016's number,</p> <p>11 I don't -- they wouldn't have had that.</p> <p>12 Q. Nobody asked you for your hardcopy</p> <p>13 documents?</p> <p>14 A. I was asked for my hardcopy</p> <p>15 documents. I -- you know, that would have been</p> <p>16 not something that -- that I thought about or</p> <p>17 even was -- there wasn't any even investigative</p> <p>18 notes on it or there wasn't anything about</p> <p>19 process or -- it just would have been that very</p> <p>20 basic information that I just described.</p> <p>21 Q. You indicated that this spreadsheet</p> <p>22 goes back to 2016, to your recollection?</p> <p>23 A. Which spreadsheet?</p> <p>24 Q. The one we were just talking about.</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 176</p> <p>1 A. I think that -- that the drug</p> <p>2 that's suspected at the time of the preliminary</p> <p>3 investigation is listed, but I'm -- I'm not 100</p> <p>4 percent certain.</p> <p>5 Q. I see. And that's fair. There's a</p> <p>6 distinction between what is suspected and</p> <p>7 what's found in the toxicology report, right?</p> <p>8 A. Right.</p> <p>9 Q. So it may be that -- that what is</p> <p>10 suspected is listed, to your recollection,</p> <p>11 right?</p> <p>12 A. Uh-huh.</p> <p>13 Q. Yes?</p> <p>14 A. Yes.</p> <p>15 Q. And then it may also be that the</p> <p>16 toxicology is listed later on further down the</p> <p>17 row?</p> <p>18 A. It might be.</p> <p>19 Q. It might be, okay.</p> <p>20 Any -- so -- so is there any other</p> <p>21 information that you remember that's in that</p> <p>22 spreadsheet?</p> <p>23 A. Not off the top of my head.</p> <p>24 Q. Okay. What about adjudication? Is</p> <p>25 that indicated?</p>
<p style="text-align: right;">Page 175</p> <p>1 Q. No?</p> <p>2 A. It goes back to the time that our</p> <p>3 opioid overdose death investigations started.</p> <p>4 Q. Okay. So when was that?</p> <p>5 A. So it might be 2014, maybe.</p> <p>6 Q. Okay. So it has been continually</p> <p>7 updated since that date, as far as you know?</p> <p>8 A. Yes.</p> <p>9 Q. So if we wanted to see every</p> <p>10 overdose death investigation in Akron since</p> <p>11 whenever it began, in potentially 2014, we'd be</p> <p>12 able to see that on that spreadsheet?</p> <p>13 A. You would.</p> <p>14 Q. And you said it -- so the</p> <p>15 investigating officer, the victim, the address</p> <p>16 of the incident; is that right?</p> <p>17 A. Uh-huh.</p> <p>18 Q. Does it include the drugs that were</p> <p>19 involved?</p> <p>20 A. I'm not -- I'm not certain if there</p> <p>21 is a -- there's a -- on the -- the right-hand</p> <p>22 side of the column, I don't know if there's a</p> <p>23 toxicology on there or not.</p> <p>24 Q. Okay. So if there was a toxicology</p> <p>25 listed, then we --</p>	<p style="text-align: right;">Page 177</p> <p>1 A. I mentioned that.</p> <p>2 Q. Oh, you did? I apologize.</p> <p>3 A. Yeah.</p> <p>4 Q. Okay. All right.</p> <p>5 A. And suspect information. I don't</p> <p>6 remember if I mentioned suspect information</p> <p>7 specifically or not, but if there's suspect</p> <p>8 information on it at that time or it becomes</p> <p>9 available through the course of an</p> <p>10 investigation, that would be added. I know</p> <p>11 that there's a -- there's a category there.</p> <p>12 Q. And for suspect information, does</p> <p>13 that include identity and --</p> <p>14 A. Just name.</p> <p>15 Q. Name? Okay.</p> <p>16 A. Yeah.</p> <p>17 Q. So you just got another one of</p> <p>18 these three days ago?</p> <p>19 A. May have been. Whenever the last</p> <p>20 one. I --</p> <p>21 Q. Recently.</p> <p>22 A. We've had one in November. I</p> <p>23 haven't checked my e-mail today to see. I</p> <p>24 would have an updated report. I haven't been</p> <p>25 able to check that yet.</p>

<p style="text-align: right;">Page 178</p> <p>1 Q. Okay. So you know you had one in 2 November, so sometime in the last couple of 3 days you would have received one? 4 A. Yes. 5 Q. Okay. Do you know what the drug 6 involved in -- or what the suspected drug 7 involved in the one in November was? 8 A. I don't know. 9 Q. Now, Exhibit 2, is that a different 10 database? Were those data -- where that data 11 comes from? 12 A. Yes. This comes from planning and 13 research. 14 Q. Planning and research? That's a 15 department? 16 A. Yes. 17 Q. Within the Akron Police Department? 18 A. Yes. Civilian employees that work 19 for the police department. 20 Q. And what is -- what do they -- what 21 is their job? 22 A. They -- they collect information. 23 They do crime analysis. They help with a bunch 24 of different things within the police 25 department. They keep -- they help us with --</p>	<p style="text-align: right;">Page 180</p> <p>1 Q. And what kind of information does 2 that store? 3 A. It stores calls for service. It 4 stores all of our incident reports, which are 5 called OIBRS, which is the standard for the 6 State of Ohio for incident -- incident report 7 writing. We're able to use that to call 8 information based on, you know, a bunch of 9 different types of query. We can do it by 10 address. We can do it by crime type. We can 11 do it by officers involved, suspect or victim 12 information. 13 Q. Would that database also include 14 suspected drug in a drug case? 15 A. I don't believe so. 16 Q. Okay. What about toxicology after 17 the fact? 18 A. No. That would be information that 19 would be generated in -- in narcotics, or if 20 there happened to be a -- it would be in 21 narcotics with the investigating detectives. 22 Q. But it does indicate, for instance, 23 overdose. That's how you get those charts, 24 right? 25 A. Right.</p>
<p style="text-align: right;">Page 179</p> <p>1 like, for example, this chart, do the graphics 2 and many, many different functions. Work on 3 crime trends and crime mapping, and help us to 4 collect information when there have been 5 requests for information from a council person 6 or a business owner, a zone commander, for 7 example. They work with the zone commanders 8 frequently for requests of information that 9 come in about crime trends or hotspots. 10 And there's a -- an off -- there is 11 an assignment within that office that is 12 responsible for grant writing for the police 13 department that works in conjunction with the 14 city's grant writer to help to bring funds into 15 the -- the department. And then Andy Carey, 16 who I mentioned earlier, he works out of that 17 office as well. 18 Q. So where do -- where do they get 19 the data that they use for their crime trends 20 and crime mapping? 21 A. From our CAD system. 22 Q. From your what? 23 A. CAD. 24 Q. What is that? 25 A. Computer-aided dispatch.</p>	<p style="text-align: right;">Page 181</p> <p>1 Q. So it does indicate the type of 2 call that -- that is -- 3 A. It would indicate the type of call. 4 It would show -- we would be able to pull up 5 the -- the overdose calls. 6 Q. I see. And does it also pull up, 7 you know, the identity of individuals -- 8 A. Yes. 9 Q. -- involved? 10 A. Yes, it could. 11 Q. Both the victim and the other 12 individuals at the scene? 13 A. Other individuals at the scene if 14 they're known or would be listed as ancillaries 15 on their report, so that is searchable. 16 Q. In CAD? 17 A. Yes. 18 Q. Okay. And do you get -- so you get 19 these charts that are represented in Exhibit 2. 20 Do you get other breakdowns from that system? 21 A. We get -- they put out a report 22 month- -- monthly or quarterly for repeat call 23 locations. So what are the top addresses in 24 each zone of the city that are generating the 25 most repeat calls for service, so as a function</p>

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1 of management that you can figure out
 2 strategies for those locations, find out if
 3 they qualify for nuisance abatement or if they
 4 can use our neighborhood response officers or
 5 patrol officers or other resources in the
 6 police department where they could specifically
 7 direct resources that way to try to solve some
 8 problems.
 9 Q. Okay. Any other reports related to
 10 any kind of drugs?
 11 A. Not from planning and research,
 12 that I'm familiar with.
 13 Q. Okay. Thank you for that
 14 qualifier.
 15 So we have the spreadsheet for
 16 overdose deaths. We have the chart that is
 17 represented in Exhibit 2. Do you get any other
 18 kinds of reports related to drugs?
 19 A. I get an update from HIDTA when
 20 they do their annual collection for seizures
 21 and drug trends.
 22 Q. And what does that look like? Is
 23 that also a chart?
 24 A. It's a report. It's multiple
 25 pages, but it might be 30 pages, 40 pages. It

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1 will show the type of seizures that are done in
 2 each of the counties in Ohio. There's a
 3 breakdown by county in Ohio for different type
 4 of search -- seizures. They'll have marijuana
 5 separated from crystal meth, separated from
 6 heroin, separated from Fentanyl, and then other
 7 categories.
 8 Q. Okay. And that's yearly?
 9 A. I think that's an annual report.
 10 Q. Okay. Anything -- any other kinds
 11 of reports or charts or any kind of --
 12 A. No.
 13 Q. -- regular communication
 14 regarding --
 15 A. Not that would be regular that I
 16 can recall.
 17 Q. Okay. And any other databases that
 18 you're aware of that would include information
 19 about drugs, either drug crimes or overdoses?
 20 A. I don't think so.
 21 Q. You also mentioned earlier that
 22 you -- in the late '90s was when you became
 23 aware -- aware of the increase in oxy thefts.
 24 Do you recall that?
 25 A. Yes.

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1 Q. How is it that you became aware?
 2 A. In my responsibilities as a
 3 supervisor -- first-line supervisor, sergeant
 4 on the midnight shift, I would get all the
 5 reports that were submitted by officers who
 6 were working for me on that evening, and I
 7 would have to review those reports for content,
 8 for accuracy, and for -- to make sure that they
 9 met up with our department standards, policies
 10 and procedures, and so I would sign off on
 11 those. You have to approve the report as a
 12 first-line supervisor.
 13 Q. And so it was through seeing those
 14 reports that you started to see the increases?
 15 A. Yes.
 16 Q. And who else gets those -- or got
 17 those reports in the '90s?
 18 A. Any sergeant that was working in
 19 patrol subdivision.
 20 Q. And then, did they go up the chain
 21 from you?
 22 A. No. They go to the record room,
 23 and they're just -- at that point in time, they
 24 were entered into -- they were manually entered
 25 into our systems. Now they're automatic,

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1 because they're computer-generated reports.
 2 Q. Do you recall discussing, with your
 3 leadership at the time, that you were seeing
 4 these increases?
 5 MR. LEDLIE: Object to the form of
 6 the question.
 7 A. I don't recall specifically. I do
 8 know that there was a change in -- in awareness
 9 about -- hadn't heard of OxyContin. Hear of
 10 OxyContin, and then start to see another
 11 report, another report, another report, and,
 12 you know, Percocet and some of the other
 13 prescription medications, then, that were
 14 frequently being reported as stolen or stolen,
 15 it stood out.
 16 Q. Right. And I -- and I just want to
 17 understand. I know it stood out to you. Are
 18 you aware that it stood out to others as well?
 19 A. Through -- yes. I mean, through
 20 casual conversations that I wouldn't be able to
 21 pinpoint, you know, "I spoke to Sergeant
 22 Jones," you know, "on this date about it."
 23 But, yes, there was a growing familiarity
 24 within the department that that was
 25 problematic.

<p style="text-align: right;">Page 186</p> <p>1 Q. Starting in the late 1990s?</p> <p>2 A. I think so.</p> <p>3 Q. Okay. Have you ever sought a</p> <p>4 budget allowance specific to anything caused by</p> <p>5 opioids?</p> <p>6 A. Can you restate that?</p> <p>7 Q. Sure. Have you ever -- have you</p> <p>8 ever asked for any kind of a specific budget</p> <p>9 allowance related to opioids in any way?</p> <p>10 MR. LEDLIE: Object to the form.</p> <p>11 A. No, other than people resources,</p> <p>12 I've not had a financial request.</p> <p>13 Q. You say "other than people</p> <p>14 resources." Have you asked for specific people</p> <p>15 resources related to opioids?</p> <p>16 A. Yes.</p> <p>17 Q. Tell me about that.</p> <p>18 A. The first two -- this wasn't me</p> <p>19 asking at that point in time, but the -- the</p> <p>20 first two detectives that were dedicated, they</p> <p>21 were taking from our -- taken from our</p> <p>22 narcotics or bid, in addition to our current --</p> <p>23 the staffing at that time for narcotics, two</p> <p>24 positions for opioid death investigations.</p> <p>25 Then there was another point that</p>	<p style="text-align: right;">Page 188</p> <p>1 the question.</p> <p>2 A. Yes, when carfentanil became known</p> <p>3 to us.</p> <p>4 Q. And do you have any memory of</p> <p>5 roughly when the -- first the two positions for</p> <p>6 opioid death investigations were added, and</p> <p>7 then the additional two?</p> <p>8 A. Not specifically. I believe it was</p> <p>9 shortly after that. Shortly after July of</p> <p>10 2016.</p> <p>11 Q. For the first two?</p> <p>12 A. For both of those decisions.</p> <p>13 Q. Okay. Though there wasn't much</p> <p>14 time in between?</p> <p>15 A. I don't -- I don't believe. I</p> <p>16 can't recall specifically.</p> <p>17 Q. And those individuals were</p> <p>18 allocated for any kind of opioid death</p> <p>19 investigation, right? Not just prescription</p> <p>20 opioids.</p> <p>21 A. Well, it wasn't for -- they weren't</p> <p>22 actually working on the overdose death</p> <p>23 investigations. They were working on the</p> <p>24 problem altogether. So it was like a</p> <p>25 short-term drug task force that was put</p>
<p style="text-align: right;">Page 187</p> <p>1 was probably a couple years after that where</p> <p>2 we -- the problem not only persisted, but grew</p> <p>3 dramatically, and we had to add two more -- two</p> <p>4 more people. So we had full four -- four</p> <p>5 full-time investigators that were working on</p> <p>6 opioid overdose death cases.</p> <p>7 Q. And you didn't -- you were not the</p> <p>8 person who asked for that budget increase?</p> <p>9 A. No. That would have been Jim Nice</p> <p>10 when he was chief.</p> <p>11 Q. Nice, okay. You're aware of it,</p> <p>12 though?</p> <p>13 A. I am aware of it. And I'm aware</p> <p>14 of -- I mentioned earlier this morning about</p> <p>15 the temporary assignment that we had for a</p> <p>16 number of officers within the police department</p> <p>17 to be able to specifically go out and assist</p> <p>18 with some of those investigations and work</p> <p>19 on -- work on other investigations.</p> <p>20 Q. That was during the July 2016</p> <p>21 carfentanil --</p> <p>22 A. It would have been after the --</p> <p>23 after the July 2016 spike.</p> <p>24 Q. The carfentanil issue?</p> <p>25 MR. LEDLIE: Object to the form of</p>	<p style="text-align: right;">Page 189</p> <p>1 together.</p> <p>2 Q. What was the name of that task</p> <p>3 force?</p> <p>4 A. I don't remember if we had a</p> <p>5 specific name for it or not.</p> <p>6 Q. And you say it was short-term. Is</p> <p>7 it still in place?</p> <p>8 A. No.</p> <p>9 Q. Do you know how long it was in</p> <p>10 place?</p> <p>11 A. It was -- I think it was in place</p> <p>12 for 90 days. That's what our contract allows</p> <p>13 us for temporary assignments, as long as</p> <p>14 they're approved by the individual, approved by</p> <p>15 administration, and approved by the union.</p> <p>16 Q. And do you know how much that costs</p> <p>17 for four officers to be allocated like that for</p> <p>18 90 days?</p> <p>19 A. Well, that team was -- was more</p> <p>20 than four officers. I forget exactly how it</p> <p>21 was comprised. But, I mean, an office -- an</p> <p>22 officer is, on average -- I mean, for -- just</p> <p>23 for easy calculations, is approximately</p> <p>24 \$100,000 for a year, so about eight and a half</p> <p>25 thousand dollars a month, and we had maybe --</p>

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1 maybe six -- six members that were assigned.
 2 Q. Okay. But now I'm confused. We
 3 started out with me asking you whether you had
 4 asked for budget allocations, and you said
 5 there were -- that there were two positions
 6 requested by Chief Nice for death
 7 investigations, and then another two after
 8 that.
 9 A. Okay. So --
 10 Q. That's where I got to four.
 11 A. -- we had two originally that were
 12 in 20- -- I think in '14 --
 13 Q. 2014.
 14 A. -- that were assigned.
 15 Q. Okay.
 16 A. Those are perm- -- that's a
 17 permanent assignment.
 18 Q. Okay.
 19 A. They have an assignment in
 20 narcotics unit.
 21 Q. Okay. And those are additional
 22 officers.
 23 A. Those are officers that, you know,
 24 still have those positions today. That's their
 25 full-time assignment. It has been continuously

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1 since 2014. They're assigned to our
 2 antiviolence unit -- antiviolence bureau under
 3 the narcotics unit.
 4 Q. Okay. And they are specifically
 5 assigned, under the narcotics unit, to do
 6 opioid death investigations?
 7 A. Yes.
 8 Q. Is that --
 9 A. Yes.
 10 Q. -- yes? Okay.
 11 And were they new positions at the
 12 time that they were created?
 13 A. They were new positions.
 14 Q. Okay. So that's roughly \$100,000 a
 15 year?
 16 A. (Witness nodding head.)
 17 Q. For each. So \$200,000 a year?
 18 A. Right.
 19 Q. Okay. And then, so that was
 20 roughly 2014, to your recollection?
 21 A. Correct.
 22 Q. And then another two at some point?
 23 A. 2016, those were permanent
 24 positions that were added for opioid death
 25 investigations. And they're assigned under our

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1 street narcotics unit, because they work
 2 different hours than narcotics. Narcotics
 3 works day-shift hours. Street narcotics works
 4 afternoon hours. This gave us coverage for a
 5 much broader period of time during each 24-hour
 6 period.
 7 Because if it were -- when we only
 8 had two assigned, any call out that came, any
 9 overdose death that came, it caused us to have
 10 a call-in for either of those detectives that
 11 were assigned.
 12 So that was inefficient. Each of
 13 those call-ins is a minimum of four hours of
 14 overtime that's paid, but we were having more
 15 overdoses that were occurring. There were
 16 much -- many of those were outside of the hours
 17 that those officers worked. So we added two
 18 positions in street narcotics so that we could
 19 cover 16 hours out of the day. It minimized
 20 the number of call-ins and addressed the
 21 growing number of investigations that were
 22 necessary. I mean, they, you know, jumped
 23 dramatically in July of 2016.
 24 Q. But then they fell off again,
 25 right?

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1 A. Yes. In August of 2017 there was a
 2 considerable drop.
 3 Q. But you --
 4 A. And then --
 5 Q. -- you kept the officers, right?
 6 A. Yes.
 7 Q. Okay.
 8 A. We have kept -- those four officers
 9 are currently assigned, but there's less of a
 10 demand. So the officers that are in the street
 11 narcotics unit, they can do those call-ins, but
 12 they're not burdened nearly as much, so we --
 13 now we use them kind of an overlap. They do
 14 have street narcotics responsibilities in
 15 addition to overdose death assignments.
 16 And beyond those four officers,
 17 altogether, we set up a temporary team in 2016
 18 that I think was probably six to eight officers
 19 that were only -- we were only able to move for
 20 a 90-day period. And they worked in addition
 21 to all of our other resources that were -- that
 22 were full-time assignments for narcotics
 23 investigations. They worked specifically
 24 during a 90-day period.
 25 Q. Okay. And those were in addition

<p style="text-align: right;">Page 194</p> <p>1 to the four that we've just discussed?</p> <p>2 A. Yes.</p> <p>3 Q. And after that 90-day period, they</p> <p>4 went back to their --</p> <p>5 A. We had to send them back to their</p> <p>6 assignments.</p> <p>7 Q. Okay.</p> <p>8 A. As a matter of fact, I'll go back.</p> <p>9 You had a question earlier about any</p> <p>10 significant arrests that stick out. That group</p> <p>11 did have a significant arrest, that temporary</p> <p>12 team while we were there. And it stands out</p> <p>13 because it was a large seizure, which is, you</p> <p>14 know, outside of what you typically see in a</p> <p>15 patrol environment. And I know the amount of</p> <p>16 drugs that they got out of the trunk of this</p> <p>17 car in the traffic stop they made was</p> <p>18 significant. And the suspect, when he ran from</p> <p>19 the car, jumped off a bridge to get away from</p> <p>20 the officers, and so that kind of stuck out,</p> <p>21 too.</p> <p>22 So to clarify that earlier answer,</p> <p>23 that's one more that's in my mind now that I</p> <p>24 remember.</p> <p>25 Q. Do you remember the name of the</p>	<p style="text-align: right;">Page 196</p> <p>1 have approved them for travel. We have</p> <p>2 approved them for training. We have spent</p> <p>3 money in those specific ways.</p> <p>4 Q. To other communities outside of</p> <p>5 Akron?</p> <p>6 A. Yes. They've spoken at law</p> <p>7 enforcement conferences, I know, at the state</p> <p>8 level and also at a national level, at the</p> <p>9 request of the state attorney general and also</p> <p>10 the federal attorney general.</p> <p>11 Q. All right. But that -- those</p> <p>12 budget items, their travel outside of Akron,</p> <p>13 isn't for -- for something that would assist</p> <p>14 Akron, right? It's to assist other</p> <p>15 communities.</p> <p>16 A. Right. Some --</p> <p>17 Q. Okay.</p> <p>18 A. Well, they're training. Sometimes</p> <p>19 they've gone to training outside of the</p> <p>20 department on their particular area, where they</p> <p>21 would have learned more about investigation,</p> <p>22 investigative technique or process, and that</p> <p>23 would have been paid for by our budget.</p> <p>24 But when they do go to speak, there</p> <p>25 are times that we pay for it. There are other</p>
<p style="text-align: right;">Page 195</p> <p>1 suspect?</p> <p>2 A. No, I don't.</p> <p>3 Q. Or anyone else involved in that?</p> <p>4 A. I remember that Sergeant Mike</p> <p>5 Orrand was leading the team on a temporary</p> <p>6 assignment, but I don't remember the other</p> <p>7 members of that team or anything else that's</p> <p>8 more specific.</p> <p>9 Q. All right. So each of these</p> <p>10 requests came before you were chief, right?</p> <p>11 A. Yes.</p> <p>12 Q. Since you've become chief, have you</p> <p>13 requested any specific budget items related to</p> <p>14 opioids?</p> <p>15 A. No.</p> <p>16 MR. LEDLIE: Object to the form.</p> <p>17 A. And I would -- you know, just to</p> <p>18 make sure that my answer is thorough there, we</p> <p>19 have requested, like, our -- our opioid</p> <p>20 overdose death investigators have been --</p> <p>21 become quite renowned in their field, and so</p> <p>22 there have been a number of training and -- and</p> <p>23 also opportunities other law enforcement uses</p> <p>24 to take advantage of our expertise to host them</p> <p>25 for training. So from a budget standpoint, we</p>	<p style="text-align: right;">Page 197</p> <p>1 times that other entities, like a host entity,</p> <p>2 might pay for their travel.</p> <p>3 But I just wanted to be clear about</p> <p>4 that, that --</p> <p>5 Q. No.</p> <p>6 A. -- could be something else.</p> <p>7 Q. I appreciate that.</p> <p>8 Who are these four officers?</p> <p>9 A. Tim Harvey and Mike Schmidt.</p> <p>10 They're the ones who've been assigned there the</p> <p>11 longest period of times out of narcotics. And</p> <p>12 from street narcotics, I can't recall the names</p> <p>13 of those two officers.</p> <p>14 Q. Okay. I have another document for</p> <p>15 you.</p> <p>16 A. Okay.</p> <p>17 - - - - -</p> <p>18 (Thereupon, Deposition Exhibit 10,</p> <p>19 October 2016 E-Mail Chain Re: Opioid</p> <p>20 Action Group Notes 101416, with</p> <p>21 Attachment, SUMMIT_000175900 to</p> <p>22 175901, was marked for purposes of</p> <p>23 identification.)</p> <p>24 - - - - -</p> <p>25 Q. Chief Ball, you've been handed</p>

<p style="text-align: right;">Page 198</p> <p>1 Exhibit 10. And the first page is an e-mail 2 communication that you're not on; however, the 3 attachment refers to you. And that's really 4 what I'm hoping to ask you about here. 5 The attachment -- and I gave you 6 the e-mail just so you can see where we got the 7 attachment from. 8 A. Okay. 9 Q. This is -- and the -- and we can 10 date it. This is from October of 2016. And it 11 appears to be notes from an opioid action group 12 from Wednesday, October 12, 2016. 13 A. Okay. 14 Q. And if you look at -- under "Action 15 Items," No. 1, you see it says, "Set members of 16 the opioid action group," and you appear to be 17 one of the members. 18 A. Okay. Can I get a minute to, like, 19 get context to this? 20 Q. Yeah. I'm just -- I have limited 21 time, and so that's why I'm telling you I'm not 22 asking you about the e-mail. 23 A. Okay. 24 Q. I'm asking you about the opioid -- 25 MR. LEDLIE: He's asking to review</p>	<p style="text-align: right;">Page 200</p> <p>1 don't want to waste my time with him reading an 2 e-mail that I'm not asking him about. I'm 3 simply asking about the opioid action group. 4 MR. LEDLIE: Which is what he's 5 reviewing, ma'am. That's what's in front of 6 him. 7 MS. SAULINO: And that's -- so 8 we're in agreement. That's what I was asking 9 him to do. 10 MR. LEDLIE: No, you were jumping 11 into a question. 12 MS. SAULINO: No, sir, I was not. 13 MR. LEDLIE: It's recorded. We 14 don't need to waste time on this. 15 MS. SAULINO: We don't, sir, which 16 you're doing right now, so I'd appreciate it if 17 you'd stop. 18 MR. LEDLIE: I'm allowing the 19 witness to review the document. 20 MS. SAULINO: Nope. He's -- he's 21 good. 22 BY MS. SAULINO: 23 Q. Whenever you're ready, Chief Ball. 24 A. Okay. 25 Q. All right. So this document</p>
<p style="text-align: right;">Page 199</p> <p>1 the document. Are you going to ask him about 2 the document? 3 MS. SAULINO: Excuse me. Excuse 4 me. 5 Q. I'm -- I'm asking you -- 6 MR. LEDLIE: This is conduct of a 7 deposition. 8 MS. SAULINO: Excuse me, sir. 9 You're -- 10 MR. LEDLIE: I am going to allow 11 the witness -- 12 MS. SAULINO: Sir -- 13 MR. LEDLIE: -- to review the 14 document. 15 MS. SAULINO: Sir, the court 16 reporter -- 17 MR. LEDLIE: Under the Federal -- 18 MS. SAULINO: -- also records us, 19 so I'm asking you to let me finish talking 20 before you talk. The same thing that the two 21 of us are doing. And all I'm -- 22 MR. LEDLIE: That is 23 understandable. 24 MS. SAULINO: And all I'm saying is 25 I don't want to ask him about the e-mail and I</p>	<p style="text-align: right;">Page 201</p> <p>1 appears to be referring to an opioid action 2 group that you are listed as a set member of. 3 Do you have any idea what this is about? 4 A. I believe that this is about Quick 5 Response Teams and the development of Quick 6 Response Team -- our Quick Response Team. 7 Q. Okay. Can you explain to me why 8 you say that? 9 A. Because it talks about the Colerain 10 project, and the Colerain project, I believe, 11 is about Colerain was, I think, one of the 12 first to institute a quick response program. 13 Q. Okay. The Colerain project, you're 14 saying? 15 A. Yes. 16 Q. Okay. And what is -- and so do you 17 remember this meeting from October 12, 2016? 18 A. Not specifically. I do remember 19 going to an event in Canton that was hosted in 20 Canton, where Colerain presented about their 21 Quick Response Teams, about some of the 22 benefits, some of the successes that they've 23 had, and it was just introducing the idea to 24 law enforcement in Northeastern Ohio. 25 And I did have a role in the</p>

<p style="text-align: right;">Page 202</p> <p>1 development within the Akron Police Department, 2 how it would work, what it would look like, how 3 we were able to execute it with the resources 4 that we had in place. So from that, I have 5 that familiarity. 6 Q. Okay. Do you know whether this 7 group ever met again? 8 A. I don't know if this group ever met 9 again. 10 Q. Okay. 11 A. I do know that we developed a QRT 12 team, and we have it in place. 13 Q. A Quick Response Team? 14 A. Yes. 15 Q. Okay. Now, you see not only were 16 you listed as a set member of the opioid action 17 group, but you were listed as an attendee as 18 well. 19 A. Right. All right. Now, yes, I do 20 remember, because Chief Bunner is on here. He 21 was the -- I think the chief -- the prior fire 22 chief before Clarence Tucker was named fire 23 chief. And I do remember these meetings. We 24 had them over in fire's administrative building 25 and in their office with the people that are</p>	<p style="text-align: right;">Page 204</p> <p>1 impacted by it. We try to connect with -- 2 Q. I think you misunderstood my 3 question. I'm asking what the Colerain 4 project -- that that term, what that means. 5 A. That is the reference, I believe, 6 to the -- to the QRT team establishment. 7 Q. Okay. Is -- 8 A. I don't know if they were calling 9 it Quick Response Team or if that's something 10 that was -- that has kind of evolved and now 11 it's called Quick Response Team. 12 Q. Is Colerain a location? 13 A. Colerain -- yes. 14 Q. Okay. 15 A. It's a jurisdiction in Ohio. 16 Q. So it was a place that had 17 established QRTs -- 18 A. Yes. 19 Q. -- that you were copying. 20 A. Right. 21 Q. That's what I was asking. 22 A. Didn't I say that before? 23 Q. I was trying to understand -- 24 A. Okay. 25 Q. -- what it was. Whether it was</p>
<p style="text-align: right;">Page 203</p> <p>1 listed here. 2 Q. Do you know whether this group 3 still exists? 4 A. I do not believe that it does. 5 Q. Okay. 6 A. I think it was once QRT was stood 7 up, that that was the goal of the group, if I 8 recollect correctly. 9 Q. Okay. So the goal of the group was 10 to get the Quick Response Team set up, and then 11 it didn't need to exist anymore? 12 A. I believe so. 13 Q. And what is your understanding of 14 what the Colerain project is? 15 A. It was the development of the quick 16 response, which was a coordinated effort with 17 law enforcement, fire, and public health. And 18 each week after -- each week they look at the 19 overdose that -- overdose -- overdoses that 20 have occurred in our jurisdiction, and Colerain 21 obviously was their jurisdiction. And we set 22 up meetings with a representative from each of 23 those groups, fire, police, and community 24 health, to try to educate those that are 25 suffering from addiction, those have been</p>	<p style="text-align: right;">Page 205</p> <p>1 some sort of grant or -- I really -- 2 A. No. 3 Q. -- was asking you what it was. 4 A. It's -- Colerain is the 5 jurisdiction. 6 Q. Okay. And separately, do you know 7 whether there was any sort of a grant 8 associated with it in any way? 9 MR. LEDLIE: Object to the form of 10 the question. 11 A. I don't know. 12 Q. You don't know, okay. 13 Earlier today we talked about the 14 complaint. 15 A. Let me go back just to clarify. 16 I do know that we have got grant -- 17 we have qualified for some grant funding, I 18 believe for support of our QRT or our -- not -- 19 not -- it's not a Colerain project. I don't 20 know if Colerain did, but I think the City of 21 Akron has -- 22 Q. Okay. 23 A. -- received some grant funding. 24 Q. What do you know about that? 25 A. That it helps to pay if -- if there</p>

<p style="text-align: right;">Page 206</p> <p>1 are any -- we have officers that are involved 2 that may not be on duty, so it may pay for some 3 overtime costs that are associated. 4 I think that there was also monies 5 that were made available for a vehicle. I 6 don't know if -- and beyond that it would be -- 7 I -- if we could have taken -- taken advantage 8 for -- for funds for printing and materials 9 that we would present or for other things, I'm 10 sure that we would have tried to see if those 11 were available and taken advantage of them in 12 any way that we could have. 13 Q. And do you know where that grant is 14 from? 15 A. No. 16 Q. Okay. Do you know how much it's 17 for? 18 A. No. 19 Q. Do you know who would know? 20 A. Yes. Andy Carey would know. 21 Q. Earlier today we talked about the 22 complaint. You said you had reviewed it, 23 right? 24 A. Yes. 25 Q. You know there were 19 Defendants</p>	<p style="text-align: right;">Page 208</p> <p>1 believed them to be partly responsible, right? 2 A. I do, and I've come to understand 3 more about that. My perspective is changing as 4 I'm -- as I become more exposed and more 5 educated about the issue, the greater issue. 6 Q. So why haven't you reached out to 7 them to try to get them to help you figure out 8 a way forward? 9 MR. LEDLIE: Object to the form. 10 A. I have a police department of 11 455 -- or 440 people and 200,000 people that 12 live in the community, and, you know, my 13 responsibilities are just different. That 14 wouldn't be at my level or something that -- 15 that I would pursue. 16 Q. Well, you've mentioned -- we've 17 talked a couple of times today about drug 18 diversion, right? 19 A. Uh-huh. 20 Q. Yes? 21 A. Yes. 22 Q. And, you know, you've said that 23 you, through your general knowledge, have come 24 to believe that the Defendants in this case are 25 somehow somewhat responsible for the opioid</p>
<p style="text-align: right;">Page 207</p> <p>1 listed in the complaint? 2 A. I believe there were a number that 3 were more than probably 10. I didn't know 4 specifically. 5 Q. Okay. And do you know how they 6 were chosen? 7 A. No, I do not. 8 Q. Did you have any involvement in 9 choosing them? 10 A. No, I did not. 11 Q. Prior to this case, did you ever 12 contact any of the Defendants in this 13 litigation to discuss the problems that Akron 14 was facing with opioids? 15 A. No. 16 Q. And prior to this case, did you 17 ever contact any of the parent companies of the 18 Defendants in this litigation? 19 A. No. 20 MR. LEDLIE: Object to the form. 21 Q. Why had you not contacted them? 22 MR. LEDLIE: Object to the form. 23 A. Wouldn't have -- that would not 24 have been within my purview. 25 Q. But you told me earlier that you</p>	<p style="text-align: right;">Page 209</p> <p>1 epidemic that your police department is 2 combatting, right? 3 A. Correct. 4 MR. LEDLIE: Object to the form. 5 Q. Don't you think that contacting 6 some of these Defendants might have helped you 7 to get at the diversion issues that you've been 8 facing? 9 MR. LEDLIE: Object to the form of 10 the question. 11 A. It just is not something that would 12 fit. We have other agen- -- it's a large 13 municipality. There are other agencies, and 14 Summit County Public Health is involved, and 15 all of our treatment facilities and... 16 Q. So who -- which agency would you 17 expect to contact the Defendants in this 18 lawsuit? 19 MR. LEDLIE: Object to the form of 20 the question. 21 A. I don't know for certain who would 22 have that responsibility or who that would fit 23 with. 24 Q. Well, I mean, so you understand 25 that the City of Akron is suing these</p>

<p style="text-align: right;">Page 210</p> <p>1 Defendants saying that they are partly 2 responsible for the opioid epidemic, right? 3 A. Yeah. 4 Q. And you've told me a number of 5 times that you're working on combatting the 6 opioid epidemic, right? 7 A. Correct. 8 Q. Isn't it typical to want to get to 9 the source of a problem in a police 10 investigation? 11 MR. LEDLIE: Object to the form of 12 the question. This is approaching badgering. 13 This conduct is not necessary. 14 MS. SAULINO: Sir, I'm in no way 15 badgering him. I'm asking about the basis of 16 this lawsuit. 17 A. The -- I think that, from an 18 investigative standpoint, you do look for -- 19 you do look for facts. It's hard to equate, 20 without all of the information, without some of 21 the -- some of the -- some of the exposure to 22 what law enforcement's role is in that process, 23 and I think that we worked very diligently at 24 those things that were within our scope and in 25 our area of expertise to try to combat this</p>	<p style="text-align: right;">Page 212</p> <p>1 would be in -- I would imagine it would be 2 within their -- their line and their 3 jurisdiction. 4 For a local police chief, for a 5 local police department, those are boundaries 6 that are far beyond what we typically would be 7 involved with. 8 Q. Did you ask the DEA to get 9 information for you from these entities? 10 MR. LEDLIE: Object to the form of 11 the question. 12 A. I did not personally. 13 Q. You could have, though, right? 14 MR. LEDLIE: Object to the form of 15 the question and the conduct. It's been going 16 on for quite some time. 17 MS. SAULINO: Sir, there is no 18 conduct. 19 MR. LEDLIE: There is a conduct. 20 MS. SAULINO: Sir, you're the one 21 who's raising your voice. I am not. 22 MR. LEDLIE: Whether I raise my 23 voice or not, this -- this conduct is 24 unacceptable. 25 MS. SAULINO: Okay. You're using</p>
<p style="text-align: right;">Page 211</p> <p>1 problem. It was something that was very 2 specific, prevalent in our environment. 3 To take it to a step where law 4 enforcement is contacting -- investigating, 5 contacting manufacturers of prescription 6 medications, that's not a fit. It might sound 7 logical in hindsight to say, "Could you have 8 done this? Should you have done this?" But 9 that's not a role that would be -- you know, 10 that would be natural or normal in that 11 context. 12 Q. Because it's too far removed from 13 the crimes you were investigating, right? 14 MR. LEDLIE: Object to the form of 15 the question. 16 A. No, I don't -- it's hard, I 17 can't -- again, my -- my area is law 18 enforcement. I'm not trying to misrepresent my 19 perspective or to say something that feels good 20 or looks good in this environment. I'm talking 21 about what is known to -- known to us. 22 And at that point in time, you 23 know, the scope of that, probably the -- 24 probably the D- -- probably the DEA, federal 25 investigative -- investigative entities, it</p>	<p style="text-align: right;">Page 213</p> <p>1 up my time now. I'd ask -- 2 MR. LEDLIE: No. 3 MS. SAULINO: Okay. Let's go off 4 the record. 5 MR. LEDLIE: Go off the record. 6 THE VIDEOGRAPHER: Going off the 7 record at 2:01 p.m. 8 (Off-the-record discussion.) 9 MR. LEDLIE: We're going back on 10 the record. 11 THE VIDEOGRAPHER: Back on the 12 record at 2:02 p.m. 13 Q. All right. Chief Ball, do you 14 believe that any of the Defendants have data 15 that would be useful in your investigations? 16 A. I don't know. 17 Q. And you haven't asked any of them 18 for it, right? 19 A. Right. 20 Q. And you, similarly, haven't asked 21 the DEA to get it for you, right? 22 A. I have not. I don't know what that 23 process looks like with our narcotics. I don't 24 have regular interactions with the DEA or the 25 FBI or our task forces.</p>

<p style="text-align: right;">Page 214</p> <p>1 Q. We'd need to ask the task force 2 officers about that?</p> <p>3 A. The task force officers would be 4 familiar. Captain Shearer would be familiar 5 with what those communications would have been 6 or what they would have looked like. Detective 7 Leonard would be a good resource as well. 8 - - - - - 9 (Thereupon, Deposition Exhibit 11, 10 Summit County And City of Akron, 11 Ohio Plaintiff First Amended 12 Responses and Objections to 13 Distributor Defendants' First Set of 14 Interrogatories, was marked for 15 purposes of identification.) 16 - - - - - 17 Q. Chief Ball, you've been handed a 18 document that has been marked as Exhibit 11. 19 And this is a document that has been provided 20 to us by the City of Akron's lawyers. 21 As I understand it from our 22 discussion earlier, you have not seen this 23 document before. I am only going to be asking 24 you questions, at this point, about a chart 25 that appears on pages 45 and 46. The</p>	<p style="text-align: right;">Page 216</p> <p>1 of Distributor Defendants." 2 Do you see that?</p> <p>3 A. Yes.</p> <p>4 Q. Do you know who that's referring 5 to, Distributor Defendants?</p> <p>6 A. I saw that there was a list of 7 distributors and a list of manufacturers, I 8 believe.</p> <p>9 Q. Okay. You don't know specifically 10 who that's referring to?</p> <p>11 A. I don't know them --</p> <p>12 MR. LEDLIE: Object to the form.</p> <p>13 A. I don't know them by name.</p> <p>14 Q. Do you know the names of any 15 pharmaceutical distributors?</p> <p>16 A. McKesson.</p> <p>17 Q. Okay.</p> <p>18 A. I can't remember -- I don't know 19 them all. I saw it on your notebook.</p> <p>20 Q. Okay. Other than that, do you know 21 the names of any pharmaceutical distributors?</p> <p>22 A. Purdue, maybe.</p> <p>23 Q. Do you know --</p> <p>24 A. I don't.</p> <p>25 Q. Okay. Do you know that they're a</p>
<p style="text-align: right;">Page 215</p> <p>1 introductory sentence to that chart is on page 2 44.</p> <p>3 A. Yeah, I may have -- may have -- I 4 don't know if -- if I've ever seen this before 5 or not. I may have.</p> <p>6 Q. Okay. That's fine. If -- you 7 think you may have seen it before?</p> <p>8 A. I don't know. I can't say for 9 sure. You asked earlier about it, and the 10 interrogatory. I don't know for sure.</p> <p>11 Q. It's fine if you now think that 12 you've seen it before.</p> <p>13 A. I can't say for sure.</p> <p>14 Q. Okay. Do you recall having 15 reviewed something that looks like this?</p> <p>16 A. I don't know. Go ahead.</p> <p>17 Q. Okay. So I'm going to be asking 18 you about the chart that appears -- it starts 19 on the bottom of page 45. The introductory 20 sentence to that chart is on page 44 in the 21 middle.</p> <p>22 It says, "The following table 23 describes other examples of the efforts made to 24 address public health and safety hazards of the 25 opioid epidemic caused by the wrongful conduct</p>	<p style="text-align: right;">Page 217</p> <p>1 manufacturer?</p> <p>2 A. What's that?</p> <p>3 Q. Purdue is a manufacturer?</p> <p>4 A. I don't know the differences 5 between the two. No. I didn't study a -- I 6 haven't studied any of the -- the documents to 7 know the differences between two or what each 8 one of their names would be or memorize the 9 list.</p> <p>10 Q. Okay. Fair enough. So actually, 11 this is a fair clarification.</p> <p>12 Do you even know the difference 13 between a pharmaceutical manufacturer and a 14 pharmaceutical distributor?</p> <p>15 A. Yes.</p> <p>16 Q. You do?</p> <p>17 A. I would imagine, if a manufacturer 18 is somebody that produces the medication and a 19 distributor is somebody who puts it out there.</p> <p>20 Q. And do you know where the 21 distributors, quote, "put it out there"?</p> <p>22 A. To doctors, pharmacies.</p> <p>23 Q. Do you actually know?</p> <p>24 MR. LEDLIE: Object to the form.</p> <p>25 A. No, I don't know. I wouldn't say</p>

<p style="text-align: right;">Page 218</p> <p>1 that I knew that absolutely.</p> <p>2 Q. Okay. So you don't know that</p> <p>3 distributors -- whether distributors actually</p> <p>4 distribute to doctors?</p> <p>5 MR. LEDLIE: Object to the form of</p> <p>6 the question.</p> <p>7 A. No. Through pharmacies. I</p> <p>8 don't -- I don't know for sure.</p> <p>9 Q. Okay. Let's go back to the bottom</p> <p>10 of page 45, which is the other examples of</p> <p>11 efforts made to address public health and</p> <p>12 safety hazards of the opioid epidemic caused by</p> <p>13 the wrongful conduct of Distributor Defendants</p> <p>14 in Akron, as alleged by the Plaintiffs in this</p> <p>15 case.</p> <p>16 A. Were you on 45?</p> <p>17 Q. I'm looking at -- yeah. So I was</p> <p>18 just reading the introductory --</p> <p>19 A. Right.</p> <p>20 Q. -- sentence that's on 44, and then</p> <p>21 45 where the Akron appears on the left-hand</p> <p>22 side --</p> <p>23 A. Okay.</p> <p>24 Q. -- of the table. Do you see that?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 220</p> <p>1 rotated between any one among those 12. Or I</p> <p>2 don't know if somebody has a preference for</p> <p>3 that assignment and maybe so it doesn't -- all</p> <p>4 12 may not have done it, if that be the case.</p> <p>5 But that would be the maximum, probably, is the</p> <p>6 lieutenant and the 12 NRT officers, and the</p> <p>7 zone commanders who make those assignments.</p> <p>8 Q. Okay. But not all 12 at one time,</p> <p>9 right?</p> <p>10 A. No. It's one -- one police</p> <p>11 representative, one fire representative, one</p> <p>12 from public health.</p> <p>13 Q. And the activity is to go out to</p> <p>14 the overdoses of the previous week; is that --</p> <p>15 A. Yes.</p> <p>16 Q. -- right?</p> <p>17 A. To try to interact with the person</p> <p>18 who overdosed, and if that person is not</p> <p>19 available, they have information, literature,</p> <p>20 education, for families or other people that</p> <p>21 are close to that person.</p> <p>22 Q. Okay. And you said earlier there's</p> <p>23 grant money involved in that?</p> <p>24 A. Yes.</p> <p>25 Q. All right. The next bullet is</p>
<p style="text-align: right;">Page 219</p> <p>1 Q. Okay. It says opioid-focused Quick</p> <p>2 Response Team. Now, I think you'd mentioned</p> <p>3 that a minute ago.</p> <p>4 A. I did.</p> <p>5 Q. And when was that set up? Sometime</p> <p>6 after that meeting we were looking at?</p> <p>7 A. That would be right.</p> <p>8 Q. Okay. So sometime in the last two</p> <p>9 years?</p> <p>10 A. Yes.</p> <p>11 Q. And how many officers are involved</p> <p>12 in that?</p> <p>13 A. Well, it changes -- it changes each</p> <p>14 week. We have one officer, one fire officer,</p> <p>15 and one public health representative that go</p> <p>16 out each week to visit the overdoses from the</p> <p>17 prior week.</p> <p>18 For us, that has to change. It</p> <p>19 changes -- David Garro, lieutenant in our</p> <p>20 narcotics, is the administrator, and he will</p> <p>21 schedule officers using neighborhood response</p> <p>22 team, and it just depends who's scheduled to</p> <p>23 work that day. We try to minimize the overtime</p> <p>24 that's necessary. We have 12 neighborhood</p> <p>25 response officers, so it could have been</p>	<p style="text-align: right;">Page 221</p> <p>1 purchases of Narcan, drug testing kits, and</p> <p>2 immunity hearing requirement forms.</p> <p>3 A. Yes.</p> <p>4 Q. Were you involved in that?</p> <p>5 A. No.</p> <p>6 Q. Okay. And do you know whether the</p> <p>7 Akron Police Department contributed money to</p> <p>8 those activities?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. How much?</p> <p>11 A. I wasn't involved. I didn't order</p> <p>12 the -- I didn't order that or I wasn't involved</p> <p>13 in the training, but I am familiar with</p> <p>14 commitments that we made to each one of those</p> <p>15 areas and the costs that were required of the</p> <p>16 police department.</p> <p>17 Q. How much?</p> <p>18 A. I don't -- I don't know for sure.</p> <p>19 Q. Okay. But you're familiar with it?</p> <p>20 A. I'm familiar that -- that those</p> <p>21 processes took place, that we made purchases of</p> <p>22 Narcan, that we bought drug testing kits, and</p> <p>23 that we have printed immunity hearing</p> <p>24 requirement forms that we pass out when the</p> <p>25 circumstances call for.</p>

<p style="text-align: right;">Page 222</p> <p>1 Q. And where would we find out how 2 much was spent on this? 3 A. Andy Carey or Captain Schnee would 4 be able to come up with that information. 5 Q. Okay. It says, "Increased police, 6 fire, EMS service calls for overdoses." I 7 assume you're familiar with that? 8 A. Familiar. 9 Q. And how much has that cost the 10 Akron Police Department? 11 A. I'm -- I'm not going to be able to 12 give you a number for any of the things that 13 are here. I mean, it's -- we have -- Andy 14 Carey, Captain Schnee, Captain Harding, who's 15 in charge of our -- he oversees our technology 16 and services divisions, that information would 17 be collected by them. 18 I don't -- I'm not going to have a 19 number for any of those things in -- in my mind 20 or to write -- ready for recall. 21 Q. Okay. You didn't participate in 22 putting together this list? 23 A. I may have -- I mean, I may have 24 participated in, like, how have we been 25 impacted and giving some general ideas, but I</p>	<p style="text-align: right;">Page 224</p> <p>1 to quantify this -- some of this information 2 the best that we could. It's, like, very 3 expansive. 4 No. 5 Q. And to your knowledge, did anyone 6 at the Akron Police Department reach out to any 7 of the Defendants to assist with any of these 8 efforts? 9 MR. LEDLIE: Object to the form of 10 the question. 11 A. Restate that. Did anybody go -- 12 Q. At the Akron -- did anyone at the 13 Akron Police Department reach out to any of 14 Defendants in this litigation to assist with 15 any of these efforts on pages -- pages 45 and 16 the top of 46? 17 A. I'm certain that they have not. 18 Q. Okay. You can put that one aside. 19 In your view, Chief Ball, did Akron 20 attack the opioid epidemic as quickly and 21 intensively as it should have? 22 MR. LEDLIE: Object to the form of 23 the question. 24 A. I think Akron used the -- the 25 resources that were available to us and worked</p>
<p style="text-align: right;">Page 223</p> <p>1 didn't -- I have not collected any of this 2 information. That would be somebody other than 3 me who would put all that together. 4 Q. And you, similarly, haven't 5 participated in putting together numbers of 6 amounts of money devoted to each of these? 7 A. No, I haven't. 8 Q. And that would be true for 9 everything in this bullet-pointed list on page 10 45? 11 A. Yeah. That would be true for 12 almost every expense that the Akron Police 13 Department has. I mean, I've got a familiarity 14 in a sense, or if we're working specifically on 15 budgets, I'll be participatory, but I -- I 16 don't keep track of all those amounts. 17 Q. Okay. That's fair. 18 Just so that -- for completeness, 19 the chart actually also goes over to the next 20 page, and there's one more bullet there. So I 21 just -- 22 A. Let me -- I'll look through the 23 bullets to make sure that there's not something 24 that -- I don't want to misspeak. I know that 25 these -- that there has been work done to try</p>	<p style="text-align: right;">Page 225</p> <p>1 within the limitations that exist with large 2 government to try to address the problem. I 3 think anybody could look back and -- and say 4 that it wasn't enough and it wasn't soon 5 enough, and there could be some fair arguments 6 that were made on that. 7 But in the context of how we 8 operate, the limits of how we move personnel 9 around, the limited budgets that exist, and the 10 budget process for us that is set, you know, 11 well in advance, I think the work that we did 12 is something that the community can be proud 13 of. 14 It's had a significant impact not 15 only in our jurisdiction, but in other areas 16 where we have developed an expertise and an 17 experience that has been widely recognized, not 18 just in our area, but in Ohio and nationally. 19 And so I -- we did do a lot. Somebody could 20 look back and be critical and say it wasn't 21 enough, it wasn't soon enough, but considering 22 the circumstances that existed in totality, I'm 23 proud of the work that we did. 24 Q. Right. And I -- and I think what 25 you're referring to, with the circumstances</p>

<p style="text-align: right;">Page 226</p> <p>1 that existed in totality, is that it's much 2 easier to look back now, knowing what happened, 3 at information that was available earlier and 4 say now, "Well, maybe we should have acted 5 differently then," right? 6 MR. LEDLIE: Object to the form of 7 the question. 8 A. I think that those circumstances 9 exist in a lot of different ways at a lot of 10 different times and different topics. 11 Q. Right. 12 A. Yes. 13 Q. I think you and I agree. 14 A. Okay. 15 Q. And so put more simply, in 16 hindsight, it is possible that Akron and others 17 might have acted quicker, knowing now what 18 became of the issue, right? 19 MS. RION: Objection. Calls for 20 speculation. 21 A. I think that I just answered that 22 and said that probably anybody looks back and 23 you evaluate, and -- was there something more 24 that could have been done? Realistically, when 25 you're going through it and when the</p>	<p style="text-align: right;">Page 228</p> <p>1 the question. 2 A. It's hard to say. You don't 3 know -- the exact same thing. I can't project 4 my -- my limited view of things and be critical 5 of somebody without knowing all of the facts. 6 If they had rightly prioritized it, or I don't 7 know what -- what resources they had available, 8 what information they have available at the 9 time to be able to act on those things. 10 So it would be -- I think when you 11 end up with, you know, hundreds of thousands of 12 people that are dead, somebody -- we should be 13 looking back and saying, "What contributed to 14 this? How did we get into this place? And 15 what's my role? Could I have done things 16 differently or better?" 17 Q. And what more do you think Akron or 18 other government officials could have done? 19 MR. LEDLIE: Object to the form of 20 the question. 21 Q. Looking back now. 22 MR. LEDLIE: Object to the form of 23 the question. 24 A. I don't know what we could have 25 done differently. I mean, Narcan, we didn't</p>
<p style="text-align: right;">Page 227</p> <p>1 limitations that exist, you're trying to figure 2 out, we need to have cars in districts that 3 answer 911 calls and other calls for service 4 coming in, and you have an emerging or growing 5 problem, it's always a balance of, well, what 6 resources do we pull from and -- and how do we 7 plan -- how do we plan for this and -- and 8 react to it without going far outside, because 9 there's not room in our budgets to be able 10 to -- to move nimbly. 11 So it's -- it's anybody can go back 12 and look and be critical. 13 Q. Right. You do the best you can 14 with the information you have at the time, 15 right? 16 A. Sure, and the resources. 17 Q. And what about other government 18 officials? Do you think other government 19 officials attacked the opioid epidemic as 20 quickly as they could have? 21 MR. LEDLIE: Object to the form. 22 Q. Outside of -- outside of Akron? 23 A. Do you want my opinion or -- 24 Q. I do. 25 MR. LEDLIE: Object to the form of</p>	<p style="text-align: right;">Page 229</p> <p>1 have Narcan in our cruisers as quickly as some 2 other jurisdictions, but there was a thought 3 process to that, because we have decentralized 4 EMS in the city. So there are firehouses in -- 5 in districts all over the city. So when we 6 would get called to an overdose, there would be 7 Narcan on board on each of those occasions. 8 So trying to figure out, from a 9 budget standpoint, do we purchase new Narcan, 10 do we pay for training for 440 officers, that 11 time away from the shift for the training, the 12 resources necessary for those purchases, do we 13 make it, or are we, right now, properly covered 14 and safely covered with EMS? 15 And so there was not an immediate, 16 "Yeah, money is no object, and we've got plenty 17 of time for training, we've got plenty of 18 people for training." We didn't. When you 19 train an entire police department, you're 20 taking dozens of police officers off the 21 street. 22 So we did, then, with more 23 information becoming available and seeing how 24 it was affecting -- having an effect in other 25 jurisdictions, even though we have</p>

<p style="text-align: right;">Page 230</p> <p>1 decentralized EMS, we eventually went to Narcan 2 in every police car. 3 Could it have happened sooner? It 4 probably could have happened a little bit 5 sooner. But our thought processes is very wide 6 and has to take into consideration many, many 7 different things. 8 Q. Did you ask for more money at the 9 time? 10 A. I did not ask for more money at the 11 time. I don't know exactly what that process 12 was. I know that, you know, as a department, 13 we are constantly evaluating what opportunities 14 that exist. We apply for grants with great 15 regularity. We figure out ways that when there 16 are needs that we can work outside of our means 17 or take on other partners or take advantage of 18 some funds that are available that are 19 non-traditional, and have been very successful 20 with that. 21 So I would be very confident to say 22 that, yeah, our process was -- was doing that 23 at the time, looking for other resources. 24 Q. Did you reach out to any of the 25 Defendants to ask for resources?</p>	<p style="text-align: right;">Page 232</p> <p>1 Q. You recognize the circumstances? 2 A. Yes. 3 Q. Okay. And this is the media 4 advisory announcing that "The Akron police 5 personnel will be trained on how to 6 administer" -- I never remember how to say this 7 correctly -- naloxone? 8 A. Yes. 9 Q. Narcan, right? 10 A. Right. 11 Q. -- "Monday and Tuesday, August 22nd 12 and 23rd. Once trained, the goal is for the 13 program to be fully implemented by the end of 14 August with every cruiser being equipped with 15 Narcan," right? 16 A. Yes. 17 Q. And the media advisory says here at 18 the last paragraph, "Akron Fire Department/EMS 19 has had Narcan as a part of their advanced life 20 support drugs for over 20 years," right? 21 A. Yes. 22 Q. And that the media advisory has a 23 quote from Mayor Horrigan saying, 24 "Statistically, EMS arrives before Akron Police 25 Department the vast majority of the time; yet</p>
<p style="text-align: right;">Page 231</p> <p>1 MR. LEDLIE: Objection. 2 A. I did -- I did not. I don't know 3 if anybody within the department or the City 4 did. 5 Q. What about for information that 6 would have helped you? 7 A. I'm not aware. 8 Q. Okay. You brought up Narcan and 9 when that came into the cruisers. 10 A. Yes. 11 - - - - - 12 (Thereupon, Deposition Exhibit 12, 13 Document Titled "Media Advisory, 14 Akron, OH, August 19, 2016," 15 AKRON_000243705, was marked for 16 purposes of identification.) 17 - - - - - 18 Q. Chief Ball, you've been handed 19 Exhibit 12, which is a media advisory from 20 August 19th of 2016 from Mayor Horrigan. 21 A. Right. 22 Q. Do you recognize this media 23 advisory? 24 A. No. I'm -- I'm sure that I saw it 25 previously.</p>	<p style="text-align: right;">Page 233</p> <p>1 in those crucial first responder moments when 2 APD arrives first, I want our officers to be 3 able to save a life," right? 4 A. Yes. 5 Q. So you'd agree with me -- and I 6 understand your point about resources -- but 7 you'd agree with me that if the police officers 8 had had Narcan prior to August of 2016 in their 9 cruisers, more lives would have been saved? 10 MS. RION: Objection. 11 A. I can't say that, I mean, 12 unequivocally, but there's a possibility. 13 Officers have -- since we have had Narcan in 14 the car, officers have administered Narcan on a 15 number of occasions. 16 Q. And you see that the mayor says, 17 "In many ways, this epidemic has been creeping 18 around the country and our region, specifically 19 our county, for the past three to five years. 20 However, no one could have predicted the 21 introduction of Fentanyl and carfentanil and 22 the damage they both caused," right? 23 A. I see that. 24 Q. Would you agree with that? 25 MR. LEDLIE: Object to the form.</p>

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1 A. Yes.

2 MR. LEDLIE: Can we take a break?

3 We've been going about an hour. Courtesy break

4 for the restroom.

5 MS. SAULINO: Sure.

6 THE VIDEOGRAPHER: Going off the

7 record at 2:23 p m.

8 (A recess was taken.)

9 THE VIDEOGRAPHER: Back on the

10 record at 2:33 p m.

11 - - - - -

12 (Thereupon, Deposition Exhibit 13,

13 November 2015 E-Mail Chain Re: Any

14 Interest in Narcan for Patrol,

15 AKRON_000373792, was marked for

16 purposes of identification.)

17 - - - - -

18 BY MS. SAULINO:

19 Q. Chief Ball, you've been handed a

20 document that has been marked as Exhibit 13.

21 And this is an e-mail exchange. The bottom

22 e-mail, you are on. The top e-mail you are not

23 on, but it references a conversation with you.

24 Just let me know when you're ready.

25 A. Okay.

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1 Q. All right. This is an e-mail

2 exchange from November of 2015, right?

3 A. Yes.

4 Q. And on the bottom e-mail, it looks

5 like a Jeff Mullins. Who is Jeff Mullins?

6 A. Jeff Mullins was a sergeant in our

7 training -- training bureau.

8 Q. And Jeff Mullins is e-mailing

9 you -- well, is e-mailing Melissa Schnee.

10 That's the Sergeant Schnee you've referred to?

11 A. She is. She's in command of our

12 services office, and one of their joint

13 responsibilities is also training, and is a

14 major in DB. I was also in that chain of

15 command.

16 Q. A major in?

17 A. The detective bureau.

18 Investigative subdivision.

19 Q. DB is detective bureau?

20 A. Yes.

21 Q. Okay. And also Paul Calvaruso is

22 on this e-mail, right?

23 A. And he was the deputy chief in

24 charge of uniform.

25 Q. Okay. And this e-mail from

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1 Mr. Mullins says, "Reserve Officer John Nouse

2 e-mailed me that he is in contact with a group

3 who would like to provide Narcan and training

4 to APD officers for when we respond to heroin

5 overdoses. Is there any department interested

6 in equipping our patrol officers with Narcan

7 and the training in its administration to an OD

8 victim?" And then, "If yes, whom shall I tell

9 the group to contact?"

10 So that was the -- that was the

11 e-mail on November 19, 2015, right?

12 A. Right.

13 Q. And then the response from Ms. --

14 or from Sergeant Schnee -- Captain Schnee?

15 Sorry.

16 A. Captain.

17 Q. Captain Schnee to --

18 A. Sergeant Mullins.

19 Q. -- Sergeant Mullins -- thank you --

20 on November 20, 2015, says, "Jeff, I contacted

21 Major Ball about your e-mail, and he said that

22 this has been discussed before and the

23 consensus was that AFD gets there as quick or

24 quicker, so we weren't going to train or equip

25 our folks."

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1 Is that true?

2 A. Yes.

3 Q. Okay.

4 A. I think we just talked about that

5 right before the break.

6 Q. Well, you had referenced resources

7 as one of the reasons, and here it looks as

8 though a group was offering to provide the

9 Narcan and the training.

10 A. I don't know if this group -- and

11 resources are more than just funds for -- funds

12 for the Narcan. I don't know if this group was

13 offering to provide Narcan and training. It

14 doesn't say for no -- no cost.

15 Q. Well, did you ask that question?

16 A. I'm sure that that was a part of

17 the conversation.

18 Q. So if they had offered to

19 provide --

20 A. Or I'm not -- I'll go back. I'm

21 not sure that that was a part of the

22 conversation, but I knew that the conversations

23 leading up to that was the perspective of AFD

24 gets there as quick or quicker than we do.

25 It's not something that we need, and the

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1 training and the, you know, purchase of the
 2 equipment, those things are prohibitive or
 3 maybe not necessary because we have -- we have
 4 fire departments all throughout the city.
 5 Q. Okay. If the Narcan had been
 6 provided and the training had been provided for
 7 free by this group in November of 2015, then
 8 you wouldn't have refused it?
 9 MR. LEDLIE: Object to the form.
 10 A. I can't -- I don't -- I don't
 11 recall the exact details about this. I do know
 12 that there had been multiple conversations
 13 about it. That's why I was -- you know, the
 14 conversation that I had with Captain Schnee
 15 obviously reflected that.
 16 Q. So do you remember one way or the
 17 other what the arrangement was going to be from
 18 this group that is referenced by --
 19 A. I do not know if that was by cost
 20 or if it was going to be provided for free.
 21 Q. Either way, you felt at the time
 22 that it wasn't something that you wanted the
 23 Akron Police Department to do?
 24 MR. LEDLIE: Object to the form of
 25 the question.

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1 A. I think that was -- those were
 2 multiple conversations that we had. That we
 3 had a -- that we had resources in place with
 4 AFD to address those issues.
 5 Q. Okay. But you agreed with me
 6 earlier that when the police department was
 7 equipped with Narcan, the police have used it,
 8 right?
 9 A. Yes.
 10 Q. And so it is -- it does follow that
 11 lives were likely saved, right?
 12 MR. LEDLIE: Object to the form of
 13 the question.
 14 A. I think that they have been saved.
 15 Like we talked about earlier, I think in
 16 retrospect, to look back, the answer is if you
 17 could do more and have more available that the
 18 answer is going to be, yeah, we could have or
 19 at times we should have.
 20 Q. And so is this an example of in
 21 hindsight you might have made a different
 22 decision?
 23 MR. LEDLIE: Object to the form of
 24 the question. Calls for speculation.
 25 A. That particular decision at that

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1 point in time, it was not my decision to make.
 2 It was -- it was Chief's Nice's decision. I'm
 3 sure I was a conduit to that message, but I
 4 also wouldn't say that I disagreed with it at
 5 the time with what was known to me.
 6 Q. Well, you say it was Chief Nice's
 7 decision, but from Ms. -- from Captain Schnee's
 8 e-mail to Sergeant Mullins here, it looks as
 9 though your conversation with --
 10 A. I'm in her chain of command. She
 11 would have -- I'm sorry to speak over you.
 12 Q. That's okay. It looks like your
 13 conversation with Captain Schnee ended the
 14 conversation.
 15 A. Right. And she would have
 16 contacted me because I'm in her chain of
 17 command, and she would not have gone directly
 18 to the chief for this. So I'm certain that --
 19 that this response was based on those prior
 20 conversations or meetings that we had had about
 21 that specific topic.
 22 Q. Including with Chief Nice -- Nice?
 23 A. Yes.
 24 Q. And if I represented to you that
 25 Sergeant Mullins did believe it would be cost

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1 free, would that change any of your answers?
 2 A. I don't know for certain based on,
 3 you know, the conversations at that point in
 4 time, because there was a training component
 5 and -- so I don't know for sure.
 6 Q. Okay. If the training and Narcan
 7 were covered, you still would have thought at
 8 the time you didn't need Narcan in the cars,
 9 right?
 10 MR. LEDLIE: Object to the form.
 11 Q. I'm just trying to understand.
 12 A. Okay. I'm telling you that would
 13 not have been my call, but I'm also saying that
 14 I wouldn't have been -- with the information
 15 that was there, the context of those
 16 conversations, that I would have not been on
 17 the other side of that decision-making, knowing
 18 all that goes into it.
 19 So that there still is a
 20 requirement to train all the -- the officers.
 21 Is the -- was the Narcan going to be provided
 22 first, or was it -- were the supplies going to
 23 be replenished at no cost? Is that something
 24 that was going to be available? What did the
 25 training look like? How long was the training?

<p style="text-align: right;">Page 242</p> <p>1 How -- how much was necessary for taking police 2 officers off the streets to get them up to 3 speed on that? There's -- there's a lot of 4 different considerations with every one of 5 those decisions. 6 Q. Do you know whether any of those 7 questions were asked? 8 A. I would imagine that all of those 9 questions were a part of a conversation. 10 Q. With who? 11 A. With Chief Nice, with myself, with 12 Major Calvaruso. Potentially, maybe Captain 13 Shearer may have been involved. I'm -- I -- I 14 can't say with certainty. 15 Q. Okay. I'm just trying to 16 understand. 17 A. Yeah. 18 Q. I'm looking at this e-mail with 19 you, and as you and I just discussed, it looks 20 as though Captain Schnee is saying that having 21 talked to you, that was the end of the story. 22 You then explained to me a moment ago that 23 that's because you're in their direct chain of 24 command and that you would have had the 25 conversations above you.</p>	<p style="text-align: right;">Page 244</p> <p>1 during those -- those hours. Also includes our 2 office of professional standards, lieutenants, 3 the chief's assistant, the public information 4 officer. There's a morning meeting that's held 5 every day where topics like this can come up. 6 Q. Do you know whether this topic came 7 up at one of those morning meetings? 8 MR. LEDLIE: Object to the form of 9 the question. 10 A. I do not know 100 percent. I'm 11 certain that it came up during meetings. That 12 would be my recollection and my familiarity. 13 Q. Okay. And so do you know what the 14 deciding factor was? 15 A. Those things that I discussed 16 earlier. Is it -- is it necessary in our 17 environment, with fire getting to the scenes as 18 quick or more quickly than we do? Is it a -- 19 is it a -- can we commit to the resources that 20 will be necessary from a training standpoint 21 and from, you know, what was the product going 22 to cost us? And was it going to be continuing 23 cost down the road? Or was it necessary? 24 You know, it would be better that 25 we have, for example, defibrillators in every</p>
<p style="text-align: right;">Page 243</p> <p>1 So I'm asking you, did those 2 questions get asked? 3 A. I know that those -- well, I'm 4 certain that those questions did get asked. 5 That would have been a part of that meeting. 6 How is this -- what are the demands that are -- 7 that are here? What are the benefits that are 8 known in the weighing all those different 9 things. That's a part of our regular process. 10 Q. Okay. Do you know if there are any 11 notes of that meeting? 12 A. I do not know. 13 Q. Do you know if there are any 14 e-mails about it? 15 A. I do not know. 16 Q. Do you know who was there? 17 A. No. I just told you the -- I 18 speculated that it would have been -- typically 19 those meetings would have been either a meeting 20 that the chief would have had with the deputy 21 chiefs and possibly a commander in narcotics; 22 or it could have been something that was 23 discussed at a morning meeting, which includes 24 the chief, the deputy chiefs, and unit 25 commanders that are captain above that worked</p>	<p style="text-align: right;">Page 245</p> <p>1 car? Somebody that we go to respond to an 2 emergency medical call, the police can get 3 there quicker than fire. If we had automatic 4 defibrillators in every vehicle, it would be 5 beneficial. The fact that we don't, you have 6 to -- how much does it cost? Are they going to 7 pay for batteries? Are we going to find a 8 grant for it? Are we going to be able to train 9 our officers? 10 And I think certainly there's a 11 similarity in those instances where you say 12 that is it true that maybe you would have been 13 able to save somebody's life? Yeah, that maybe 14 is true, but we can't put AEDs in every single 15 police cruiser. 16 Or if we've had them -- we've 17 gotten some in the past -- we haven't been able 18 to get follow-up grants for batteries and to 19 keep them operational or get updates on them. 20 So this would be similar to that. 21 Q. In -- in what way? 22 MR. LEDLIE: Object to the form. 23 Asked and answered. 24 A. In the same way that I just -- I 25 just described. It's -- there are resources</p>

<p style="text-align: right;">Page 246</p> <p>1 that are necessary for those kind of decisions. 2 What -- what's the cost and what's the benefit? 3 Q. Right. And I'm just trying to get 4 to the heart of what the cost benefit analysis, 5 what the decision was here. What -- what was 6 the cost -- 7 A. I think -- 8 Q. -- and what was the benefit that 9 was assessed? 10 MS. RION: Objection. Asked and 11 answered. 12 A. Of whether or not that there was a 13 significant benefit that comes out with it -- 14 from it, because it's already readily 15 accessible with EMS and fire officers. We have 16 three hospitals that are centrally located in 17 the city where people are able to get to 18 quickly. Was it a need to have it in the -- in 19 the cruisers as well? What did it look like 20 and what were the -- what were the costs from a 21 financial standpoint and from a staffing 22 standpoint of training all of our officers in 23 Narcan deployment? 24 Q. Okay. If you look back with me at 25 Exhibit 12. So this was about nine months</p>	<p style="text-align: right;">Page 248</p> <p>1 those, you know, significant increase in number 2 of overdoses that we had. 3 Q. As you sit here today, are there 4 any additional programs or resources that you 5 think are needed to combat the opioid crisis 6 that you don't have right now? 7 A. That the Akron -- 8 MR. LEDLIE: Objection to the form 9 of the question. 10 A. The Akron Police Department doesn't 11 have right now? 12 Q. I'm asking you as the chief of the 13 Akron Police Department, so, yes. 14 A. It has -- it's lessened to some 15 degree, obviously, with our calls for service. 16 But yeah, personnel has been an issue. We 17 had -- this is not something that we were doing 18 at all six years ago, and then suddenly we had 19 multiple deaths every single month that 20 required investigation and changed the dynamic 21 of a patrol response from take a report to a 22 preliminary investigation for potentially a 23 homicide investigation. 24 Q. So how many -- how many personnel? 25 A. We would have to try to -- I don't</p>
<p style="text-align: right;">Page 247</p> <p>1 later that this media advisory came out, right? 2 A. Uh-huh. 3 Q. Is that a yes? 4 A. Yes. 5 Q. Okay. So what changed in nine 6 months? 7 A. I think there was more information 8 that came in about it. There was also -- 9 there's constantly evaluation of our department 10 internally. Are we doing -- what are we doing? 11 Could we be doing more? What's available to 12 us? 13 I'm -- if I remember correctly, 14 there was a -- there was a donation of -- of 15 Narcan, and I think one of the public health 16 entities made that donation, if I recall 17 correctly. 18 And the -- the problem wasn't 19 abating at all, so -- as a matter of fact it 20 had gotten dramatically worse. This is one 21 month after we had 33 overdose deaths in one 22 month in the city of Akron. 23 Q. So it was the Fentanyl and 24 carfentanil that tipped it over the edge? 25 A. Yeah. It was the -- the result of</p>	<p style="text-align: right;">Page 249</p> <p>1 know. I can't say. You know, we'd have to 2 look and see exactly what the responses 3 required, how many calls for service we went 4 on, how long those calls for service lasted. 5 Q. I'm not asking about how many have 6 been involved. I'm asking how many new 7 personnel do you need right now? 8 MS. RION: Objection. Asked and 9 answered. 10 Q. To respond to the opioid crisis. 11 A. I would have to do, you know, more 12 statistical analysis to kind of -- to try to 13 project that number. And that's a problem that 14 is not completely static. Fortunately for us, 15 it's on the decline, but it was on the decline, 16 and then picked back up for the last several 17 months. 18 So, I mean, it would take a very 19 deep dive to kind of project what that would 20 look like. And it, you know, unfortunately, 21 hasn't been a part of our process because it's 22 not very realistic to think that we're going to 23 get numbers added to our minimum staffing 24 budgeted. 25 Q. Have you asked the mayor's office</p>

<p style="text-align: right;">Page 250</p> <p>1 for more personnel for the opioid crisis?</p> <p>2 A. I've asked the mayor's office for</p> <p>3 more personnel.</p> <p>4 Q. How many people?</p> <p>5 A. I've asked for -- for the police</p> <p>6 department to be staffed to 527 police</p> <p>7 officers.</p> <p>8 Q. As opposed to what you -- what do</p> <p>9 you currently have?</p> <p>10 A. We currently have a budgeted</p> <p>11 strength of 455. We currently have 441 or 442</p> <p>12 officers.</p> <p>13 Q. Okay. And so you've asked for 527</p> <p>14 police officers. And have you allocated them?</p> <p>15 A. Yes.</p> <p>16 Q. Where have you allocated them?</p> <p>17 A. I mean, I wouldn't be able to</p> <p>18 recall. There's a, you know, significant</p> <p>19 number of those for patrol. And then there are</p> <p>20 other areas of the department that have been</p> <p>21 understaffed with -- due to shortages that we</p> <p>22 would like to add numbers back to that we have</p> <p>23 got, you know, work demand that justifies that,</p> <p>24 and I've -- I've done that in my -- my report.</p> <p>25 Q. Any for opioid-related?</p>	<p style="text-align: right;">Page 252</p> <p>1 how many officers would you add?</p> <p>2 MS. RION: Objection. Asked and</p> <p>3 answered.</p> <p>4 A. That we maintain what we have.</p> <p>5 Q. You would maintain what you have?</p> <p>6 A. Yes.</p> <p>7 Q. And where would we find this</p> <p>8 request?</p> <p>9 A. I -- I presented a copy of the</p> <p>10 report to my deputy mayor probably three weeks</p> <p>11 ago.</p> <p>12 Q. Is it your understanding that the</p> <p>13 deputy mayor has reviewed that report at some</p> <p>14 point in the last three weeks?</p> <p>15 A. He mentioned that he had taken a</p> <p>16 cursory look but hadn't had time to review it</p> <p>17 in detail.</p> <p>18 Q. But it was your understanding he</p> <p>19 would eventually review it in detail?</p> <p>20 A. Yeah.</p> <p>21 MR. LEDLIE: Object to the form.</p> <p>22 Q. If you were to get additional</p> <p>23 funding for the department as a result of this</p> <p>24 lawsuit, how would you spend it?</p> <p>25 A. It depends on if it -- if it came</p>
<p style="text-align: right;">Page 251</p> <p>1 A. Keeping the officers that we</p> <p>2 currently have assigned in those areas and</p> <p>3 adding to narcotics.</p> <p>4 Q. So how many would you add to</p> <p>5 narcotics?</p> <p>6 A. I don't recall exactly what the</p> <p>7 number is that's recommended.</p> <p>8 Q. Do you have a ballpark?</p> <p>9 A. No. I mean, we -- the officers</p> <p>10 that are assigned to the task force, like I</p> <p>11 mentioned earlier, Bryan Callahan, who replaced</p> <p>12 Jim Palmer, we weren't able to replace Bryan</p> <p>13 Callahan's position in narcotics. I think we</p> <p>14 only currently have three or four narcotics</p> <p>15 detectives assigned full-time that are not</p> <p>16 attached to a task force. Those are</p> <p>17 insufficient numbers for us to continue to --</p> <p>18 to do the work that's necessary. Fortunately,</p> <p>19 we work with partnerships, so we're able to</p> <p>20 continue to get work done. But ideally, we</p> <p>21 would have at least double that number.</p> <p>22 Q. And that's narcotics as a whole,</p> <p>23 not just opioids, right?</p> <p>24 A. Right.</p> <p>25 Q. Okay. So specifically for opioids,</p>	<p style="text-align: right;">Page 253</p> <p>1 with guidelines, we would be certainly</p> <p>2 respectful of those guidelines. And if it</p> <p>3 didn't, we would -- I would get input from</p> <p>4 subordinate supervisors in the police</p> <p>5 department about current needs.</p> <p>6 We would look at calls for service.</p> <p>7 We would look at all of those common statistics</p> <p>8 that law enforcement would when they're</p> <p>9 determining staffing and try to make fair</p> <p>10 assignments within the police department that</p> <p>11 we think are going to be beneficial to our</p> <p>12 community and the organization.</p> <p>13 Q. Is there anything that comes to</p> <p>14 mind right now?</p> <p>15 A. Well, narcotics is one. Traffic,</p> <p>16 patrol, burglary unit, training.</p> <p>17 Q. And again, when you say</p> <p>18 "narcotics," you mean all narcotics, right?</p> <p>19 Not just opioids?</p> <p>20 A. Right.</p> <p>21 Q. All right. You've alluded to this,</p> <p>22 but the Akron Police Department engages in a</p> <p>23 great deal of activities that are not just</p> <p>24 narcotic-related, correct?</p> <p>25 A. Yes.</p>

<p style="text-align: right;">Page 254</p> <p>1 Q. You respond to emergency calls, 2 right? 3 A. Uh-huh. Yes. 4 Q. You investigate other crimes like 5 burglaries, right? 6 A. Yes. 7 Q. You prevent crimes, right? 8 A. We hope we do. 9 Q. You engage in public education? 10 A. Absolutely. 11 Q. You assist the courts and the 12 prosecutors? 13 A. Yes. 14 Q. Do you operate correctional 15 facilities, or is that a different department? 16 A. We do not. 17 Q. Okay. 18 A. Summit County sheriff. 19 Q. And for -- specifically for drug 20 crimes, as we've discussed, you perform all 21 types of drug-crime-related activities that are 22 not just for opioids, right? 23 A. Yes. 24 Q. So for instance, you respond to 25 calls relating to drug-related medical issues</p>	<p style="text-align: right;">Page 256</p> <p>1 Related To Opioid Addiction and 2 Mental Health, AKRON_000236377 to 3 000236379, was marked for purposes 4 of identification.) 5 - - - - - 6 Q. Chief Ball, you've been handed what 7 has been marked as Exhibit 14. This is an 8 e-mail chain, which you are on at the middle of 9 the second page, but then the first page you 10 are not on. 11 A. Okay. If you asked a question, 12 I -- 13 Q. I had not asked a question yet. 14 A. Okay. All right. 15 Q. So my question is, you see that 16 this is an e-mail chain from Russell Neal, who 17 appears to be the councilman from Ward 4? 18 A. Yes. 19 Q. Okay. And it looks like as though 20 it is a question about the percent of 21 non-violent safety force calls related to 22 opioid addiction and mental health. 23 A. Okay. 24 Q. And you, on the -- the first 25 response to Councilman Neal copies you, and</p>
<p style="text-align: right;">Page 255</p> <p>1 for other kinds of drugs, like meth and 2 cocaine, right? 3 A. Yes. 4 Q. What percent of drug overdoses that 5 the Akron Police Department responds to would 6 you estimate relate to opioids? 7 A. I have no idea. 8 Q. What about prescription opioids? 9 A. No idea. 10 Q. Okay. You'd agree with me that the 11 prescription opioid number would be less than 12 the overall opioid number, right? 13 MR. LEDLIE: Object to the form of 14 the question. 15 A. I would, yes, agree with that. 16 Q. Do you know what percent of drug 17 investigations relate to opioids? 18 A. I do not. 19 Q. Do you know what percent of all 20 investigations are drug investigations? 21 A. No. 22 - - - - - 23 (Thereupon, Deposition Exhibit 14, 24 March 2018 E-Mail Chain Re: % of 25 Non-Violent Safety Force Calls</p>	<p style="text-align: right;">Page 257</p> <p>1 it's from Charles Brown. Is that Deputy Mayor 2 Brown? 3 A. Yes, it is. 4 Q. Okay. And he says he's copying you 5 and Chief Tucker so that they can -- so that 6 you can have someone start that work. And 7 then, if you move forward, you see that Joseph 8 Natko provides a response to Chief Tucker, 9 providing some percentages. 10 Do you know who Joseph Natko is? 11 A. He's a captain in Akron Fire. 12 Q. Akron Fire? 13 A. Yes. 14 Q. Okay. And he appears to say to 15 Chief Tucker, "Our reporting database doesn't 16 accurately differentiate between the violent 17 and non-violent category on these calls, but we 18 would request an APD presence due to their 19 nature. We do capture the opioid, drug, and 20 mental health categories," and he then provides 21 the breakdown. 22 Do you see that? 23 A. Yes. 24 Q. And he says that the 2017 percent 25 of total volume for opioid/drug is -- calls is</p>

<p style="text-align: right;">Page 258</p> <p>1 2.8 percent, right?</p> <p>2 A. Yes.</p> <p>3 Q. Do you have any reason to believe</p> <p>4 that that's not correct?</p> <p>5 A. No.</p> <p>6 Q. Okay.</p> <p>7 A. But this is referring to fire</p> <p>8 response.</p> <p>9 Q. Okay. Do you think that the police</p> <p>10 number is different?</p> <p>11 A. I have no idea what the police</p> <p>12 number is.</p> <p>13 Q. Okay. Do you know whether you</p> <p>14 responded to this?</p> <p>15 A. I do not know. If I would have, I</p> <p>16 would have directed it to Captain Harding to</p> <p>17 come up with numbers. Planning and research</p> <p>18 would have pulled those numbers. I don't know</p> <p>19 if it was something that -- typically, I would</p> <p>20 respond to a -- an e-mail request from my boss.</p> <p>21 But if there's not one attached, I don't have a</p> <p>22 specific recollection of this.</p> <p>23 Q. Okay. And then you would have</p> <p>24 forwarded to Captain Harding?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 260</p> <p>1 that there's a dual response and a dual</p> <p>2 dispatch for that.</p> <p>3 I mean, the information would be in</p> <p>4 the same CAD, but I don't know if the way that</p> <p>5 it was extracted, if -- if he would have done</p> <p>6 it individually for fire calls or how -- if it</p> <p>7 would have been based on the codes that they</p> <p>8 use for the type of calls, and if those codes</p> <p>9 are the same as the police would use for those</p> <p>10 types of calls. So I can't say definitively.</p> <p>11 Q. Okay. Well, let me change the</p> <p>12 question, and we don't even have to use those</p> <p>13 numbers.</p> <p>14 In your experience at the Akron</p> <p>15 Police Department, is it fair to say that the</p> <p>16 Akron Police Department spends a lot of time</p> <p>17 and money on things that are not</p> <p>18 opioid-related?</p> <p>19 A. Certainly.</p> <p>20 Q. Okay. We've discussed task force</p> <p>21 members, we've discussed the narcotics unit,</p> <p>22 and we've discussed the individual officers</p> <p>23 assigned for opioid-related crimes, right?</p> <p>24 A. Uh-huh, yes.</p> <p>25 Q. Okay. Are there any other</p>
<p style="text-align: right;">Page 259</p> <p>1 Q. Do the police and fire have a</p> <p>2 centralized dispatch?</p> <p>3 A. They do have a centralized</p> <p>4 dispatch.</p> <p>5 Q. Okay. So do you know, necessarily,</p> <p>6 that these were just fire calls?</p> <p>7 A. Well, I know that that's what</p> <p>8 Joseph Natko would be following up on.</p> <p>9 Q. Wouldn't the database be the same?</p> <p>10 MR. LEDLIE: Object to the form.</p> <p>11 A. No. The information is -- is --</p> <p>12 the information would come from our -- our CAD,</p> <p>13 so it would be -- I would imagine it would be</p> <p>14 different for them, the way that they would run</p> <p>15 it.</p> <p>16 Q. Okay. So to get the percentages</p> <p>17 for the police department, we would use the</p> <p>18 CAD?</p> <p>19 A. Yes. Although, if there's a -- I</p> <p>20 don't know what their policies are, the radio</p> <p>21 room, for dispatch, of, you know, mental health</p> <p>22 calls. If there's an automatic -- if it's</p> <p>23 automatically a fire officer is sent when</p> <p>24 it's -- when it's categorized. The same thing</p> <p>25 for opioid drug overdoses, if it's automatic</p>	<p style="text-align: right;">Page 261</p> <p>1 departments or divisions within the Akron</p> <p>2 Police Department that would have</p> <p>3 responsibility for opioids that we haven't</p> <p>4 discussed yet?</p> <p>5 A. There are -- I mean, obviously</p> <p>6 there -- it's not always clear and defined.</p> <p>7 There's a patrol response to the original calls</p> <p>8 for service that come in. There's the NRTs</p> <p>9 that work with the quick response times.</p> <p>10 Q. NRTs?</p> <p>11 A. Neighborhood response --</p> <p>12 Q. Oh, thank you.</p> <p>13 A. -- officers. Our crime scene unit</p> <p>14 that would go out when there is a call and</p> <p>15 there's an overdose death involved. They would</p> <p>16 go out, and their responsibilities are</p> <p>17 collecting evidence, photographs, other</p> <p>18 documentations of the -- of the crime scene.</p> <p>19 Q. And this is a -- this is not a</p> <p>20 specific crime scene unit for opioids; it's the</p> <p>21 general crime scene unit, right?</p> <p>22 A. Yes, it is.</p> <p>23 Q. So they would go to any death?</p> <p>24 A. They would go to all. They would</p> <p>25 go to, you know, almost all major crimes.</p>

<p style="text-align: right;">Page 262</p> <p>1 Q. Okay. What about -- do you have 2 now or have you, in your experience, had a unit 3 investigating drug diversion? 4 A. Patrick Leonard, who works on the 5 task force, but that's it. 6 Q. But other than Officer Leonard? 7 What is Off- -- what is -- 8 A. Patrick Leonard? 9 Q. Yes. What is his title? 10 A. He is a detective. 11 Q. He's a detective, okay. 12 If I get those wrong by the way, I 13 do not mean offense. I'm trying to get them 14 right. 15 A. We all have first names, too, so -- 16 Q. Okay. 17 A. -- it's not a big deal for me. 18 And I think there have been some 19 times in -- where there's been -- if there has 20 been an overflow of work that Scotty Williams, 21 who's one of our narcotics detectives, may work 22 alongside Detective Leonard, but I'm not 23 certain. His assignment typically is 24 forfeitures. He does seizures and forfeitures, 25 but he has some other responsibilities with</p>	<p style="text-align: right;">Page 264</p> <p>1 Q. Okay. And then those two also work 2 in street narcotics? 3 A. Yes. 4 Q. Okay. And then you have the task 5 force officers, who we've discussed, right? 6 A. Correct. 7 Q. Okay. All right. So -- and 8 setting aside departments like the crime scene 9 unit, which would go to any kind of major crime 10 scene, are there any other specific positions 11 that I've missed asking you about that are 12 opioid-specific? 13 A. No. 14 Q. Okay. I have seen mention in some 15 of the documents -- and I can show you if you'd 16 like -- of a diversion unit that existed in 17 2009. Do you know what that's about? 18 A. Oh, I would think that that would 19 be referring to Patrick Leonard's unit. 20 Q. Okay. Otherwise, you wouldn't know 21 about that? 22 A. Right. 23 Q. Do you think you would have known 24 if one had existed? 25 A. No.</p>
<p style="text-align: right;">Page 263</p> <p>1 narcotics, too. 2 Q. Okay. So currently, of the 441 or 3 -42 officers you have, you have four -- four 4 that are currently -- setting aside the task 5 forces, you have four that are currently 6 assigned to opioids; is that right? 7 A. Yes. 8 Q. Okay. And -- 9 A. Well, those -- and two of them are 10 assigned to narcotics, two of them are assigned 11 to street narcotics. The ones that are 12 assigned to street narcotics, now that there 13 has been a lessening of numbers, their 14 responsibilities are now -- they have 15 co-responsibilities with street narcotics. 16 So now those extra two officers are 17 not working, in 2018, primarily on overdose 18 death investigations. They do that and 19 additional duties with street narcotics. 20 Q. Okay. So two full-time with 21 overdose death investigations? 22 A. Yes. 23 Q. And then another two who provide 24 some support? 25 A. Right.</p>	<p style="text-align: right;">Page 265</p> <p>1 MR. LEDLIE: Object to the form. 2 A. 2009, I was on midnight patrol 3 shift, so there was probably a lot happening in 4 the department that I wasn't aware of because 5 of my assignment. But I don't... 6 Q. Okay. I mean, I'm happy to show 7 you what I'm looking at. I just -- it sounds 8 as though you think that it was Detective 9 Leonard? 10 A. I don't know. I could take a look 11 at what you have. 12 Q. Sure. 13 MR. LEDLIE: What year is that? 14 THE WITNESS: 2009 are you looking 15 for? 16 MS. SAULINO: No, you don't have it 17 yet. 18 - - - - - 19 (Thereupon, Deposition Exhibit 15, 20 Document Titled "Akron Police 21 Department 2009 Annual Report", was 22 marked for purposes of 23 identification.) 24 - - - - - 25 Q. All right. You have been handed,</p>

<p style="text-align: right;">Page 266</p> <p>1 Chief Ball, what has been marked as Exhibit 15, 2 and I'm looking specifically at page 12, where 3 there's a title that says "2009 Diversion 4 Unit." That's what I was referring to. 5 A. That would be referring to the -- 6 to Detective Leonard, his current assignment. 7 Q. Okay. So, and just so we're clear, 8 what I handed you was the 2009 annual report 9 for the Akron Police Department? 10 A. Yes. 11 Q. Just so we're clear on the record. 12 Okay. So you think that's 13 referring to Detective Leonard? 14 A. Yeah. 15 Q. Okay. Great. That's all I have 16 with that one. 17 Do you recall how much money the 18 Akron Police Department spent last year? 19 A. Our budget is slightly over \$60 20 million. Well, our budget is slightly under 21 \$60 million, but 2018 was the first year that 22 we started collecting proceeds from a tax levy 23 that was approved last fall, which adds between 24 \$4 and \$5.3 million into our budget for capital 25 improvements.</p>	<p style="text-align: right;">Page 268</p> <p>1 improvement of our training bureau, facilities 2 for audiovisual. 3 We don't get fancy, new buildings. 4 The fire department's getting all the fancy, 5 new buildings. 6 Q. Okay. And do you know how much of 7 your budget is dedicated to specific items? 8 A. There's a chance that I might, but 9 with -- no, not with regularity. 10 Q. Without looking at it? 11 A. Right. 12 Q. Okay. 13 A. I mean, salaries and benefits, 14 obviously, are the biggest chunk of that. 15 - - - - - 16 (Thereupon, Deposition Exhibit 16, 17 Document Titled "2018 Budget Plan, 18 City of Akron, Ohio", was marked for 19 purposes of identification.) 20 - - - - - 21 Q. Chief Ball, you have been handed 22 the -- what has been marked as Exhibit 16, 23 which it is my understanding is the City of 24 Akron 2018 budget plan. 25 And I only have the -- you have the</p>
<p style="text-align: right;">Page 267</p> <p>1 Q. So you would add that -- 2 A. 57, 58 -- 57 to 58 million is our 3 budget, and then an additional \$4 to \$5 million 4 depending on tax collections from Issue 4. 5 Q. And those \$4 to \$5 million? 6 A. Were used for capital improvements, 7 for the most part. 8 Q. Is there anything in particular 9 that -- are you building a new building or 10 something? 11 A. Well, last year, 1.5 was used to 12 maintain staffing so there didn't have to be 13 any layoffs. And then we had -- a significant 14 amount went into purchase or replacement of 15 fleet vehicles. We had only had \$300,000 16 budgeted for a number of years for fleet 17 vehicles. Our fleet is over 500 vehicles, and 18 we were in really dire straits with all of our 19 vehicles. So we had \$1.6 to 1.8 million of 20 that Issue 4 money went for vehicle 21 replacement. One and a half went for salaries. 22 And then I forget what other major expenditures 23 that we had. Body-worn cameras. We had money 24 set aside for some workspace improvements in 25 the department. We had money set aside for</p>	<p style="text-align: right;">Page 269</p> <p>1 whole thing, but I am only looking at the 2 police section, which starts on page 230. 3 Actually, the actual text starts on 231. 4 And if you -- yes. I think you 5 have it there. Where it says "Police 6 Department," and then "Kenneth R. Ball II, 7 Police Chief" at the top. 8 A. Yes. 9 Q. That's you, right? 10 A. Yep. 11 Q. Do you have any role in writing 12 this document? 13 A. No. 14 Q. Okay. 15 A. I mean, I have -- I'm sorry to 16 speak over you again. 17 Q. No, it's okay. 18 A. I would have review of the 19 document, and I would have significant input 20 into the decision-making process that 21 ultimately gives this product, but I'm not the 22 author of the document or... 23 Q. Who is the author of the document? 24 A. Captain Schnee, I believe. And I 25 think she works with Andy Carey.</p>

<p style="text-align: right;">Page 270</p> <p>1 Q. Okay. And in looking at this 2 document, and if you go through, you see some 3 charts on pages 233 and 234, 235, 236, and 237. 4 A. But this may not be -- I don't know 5 if this is generated by budget and finance or 6 if this is generated by Captain Schnee. This 7 is different from what I've seen in the past. 8 Q. Well, you anticipated my question. 9 That really was my question. Is this what your 10 budget actually looks like? 11 A. No. I'm not familiar with some of 12 these breakdowns and graphs. 13 Q. Okay. This budget doesn't seem to 14 contain the kind of detail that you have 15 described about where your resources are going, 16 so is there another document where that's 17 contained? 18 A. We have Issue 4 documents that talk 19 about the ways that we will spend those -- 20 those monies. 21 Q. Okay. And do you have a -- each 22 year a budget document that is more detailed 23 than this that breaks things out by types of 24 units or those kinds of things? 25 A. No. I'm -- I don't -- not that I</p>	<p style="text-align: right;">Page 272</p> <p>1 that? 2 A. Pretty detailed. I mean, it talks 3 about different -- different theories that are 4 used for police staffing that are recognized in 5 the industry. It uses those numbers to make 6 comparisons with the Akron PD -- PD. There are 7 comparisons between Akron and the seven other 8 largest jurisdictions in the State of Ohio and 9 how we're staffed and deployed, and the same 10 thing for those jurisdictions. 11 There are projections about 12 anticipated retirements and other losses 13 that -- you know, analyzing our department as a 14 business that -- that would be projected so 15 that hiring can be planned and purposeful so 16 that we can achieve staffing goals that I've 17 set in that document. I think it's about 20 18 pages long. 19 Calls for service by hour of the 20 day. Figuring relief factors for police 21 officers. How many do we need assigned so that 22 we can have the geographical and neighborhood 23 responsibilities that are important for 24 community policing. Evaluating the time of 25 patrol officers, the time that they are</p>
<p style="text-align: right;">Page 271</p> <p>1 have a familiarity with. I've never done any 2 of the -- I've never done any of the -- the 3 documents for -- I believe that this was 4 probably generated from a report that we sent 5 to the City. And, I mean, some of the language 6 is familiar here, but I've never seen it in 7 this form. 8 Q. Okay. And you think that that was 9 probably Captain Schnee who -- who generated 10 such a report? 11 A. No. Captain Schnee would have 12 generated the -- the one that -- that they're 13 working off of here. 14 Q. Yes. Sorry. Yes. 15 A. Yes. 16 Q. That's what I was asking you. 17 A. Right. 18 Q. Okay. And the budget, for 19 instance, that you just submitted to Deputy 20 Mayor Brown, how does that differ from what 21 we're looking at here? 22 A. I didn't just submit a budget to 23 Deputy Mayor Brown. I submitted a staffing 24 plan. 25 Q. I see. Okay. How detailed is</p>	<p style="text-align: right;">Page 273</p> <p>1 in-service, on a call for service, versus the 2 time that they have free for 3 community-related -- community-related and 4 self-initiated activity. How important those 5 numbers are for our department to reflect a 6 community relations perspective that is a 7 priority for us organizationally. There's a 8 lot of different components. 9 Q. So that document would reflect your 10 current thinking about the specifics of 11 staffing that you just recited; is that right? 12 A. Yes. 13 Q. Okay. I do not have that document, 14 so -- 15 A. Okay. 16 Q. -- so we will not be able to talk 17 about it today. But -- but if we were to look 18 at that, that's where we would find your 19 current thinking on staffing for the Akron 20 Police Department. Is that fair? 21 A. Yes. 22 Q. If you just take a quick look with 23 me, just in case you know the answer to this, 24 and I'm not sure you will. If you look at page 25 235 at the bottom, where it says, "Department</p>

<p style="text-align: right;">Page 274</p> <p>1 sources and uses of funds by fund and category, 2 2018." 3 A. Uh-huh. 4 Q. You see it lists a general fund, a 5 special revenue fund, and a trust and agency 6 fund? 7 A. Yes. 8 Q. Do you know what the differences 9 are there? 10 A. No. I know what general -- what 11 our general fund is. I don't know what special 12 revenue fund or trust and agency funds are. 13 Q. What is the general fund? 14 A. The general fund is the amount 15 that -- that typically is approved by the 16 administration, and county -- or city council 17 votes on and approves. 18 Q. Okay. And so these other monies -- 19 A. I have no idea how the funds are 20 broken down or -- we do receive other -- we 21 have other revenue sources. You know, for 22 example, grant funding that would come in or 23 reimbursements from our federal agencies or 24 partners. 25 Q. Actually, that was where I was</p>	<p style="text-align: right;">Page 276</p> <p>1 shifts, that we get reimbursements. 2 Q. I see. So -- so you pay them for 3 their regular shifts. 4 A. Yes. 5 Q. But then over and above that, the 6 federal government pays them? 7 A. Correct. 8 Q. And how is the police department 9 funded? We've talked about grants, but in 10 general, how is the police department funded? 11 Is that local tax money? 12 A. Yes. 13 Q. Okay. What about -- is there state 14 funding? 15 A. I don't know. I know that I hear 16 with regularity the comments from political 17 leaders about state funding being decreased 18 dramatically. It's been, if I recall 19 correctly, but maybe \$10 million a year that 20 the City of Akron has lost because of changes 21 in policy at the state level, and less local 22 government funding being available. 23 Q. But that's what you've heard from 24 political leaders in Akron? Do you understand 25 that to be specific to money that went to the</p>
<p style="text-align: right;">Page 275</p> <p>1 going next. Do you have an idea of how much 2 grant funding the Akron Police Department gets? 3 A. No. There's constantly a flux, and 4 we have multiple grants that are in place at 5 one -- we have some that are expiring, others 6 that we still have one year or two years to 7 work with, and I don't -- I don't have all of 8 that information memorized. 9 Q. And do you know if any of those 10 grants provide funding for opioid-related 11 activities? 12 A. I do believe that we have qualified 13 for some grants, but I don't know specifically. 14 As I mentioned previously, NR- -- NRT, some of 15 that was assisted with some of those monies. I 16 don't know specifically what else we've got. 17 Q. Who would know? 18 A. Andy Carey or Captain Schnee. 19 Q. And you mentioned reimbursements 20 from federal partners? 21 A. (Witness nodding head.) 22 Q. What is that? 23 A. It's if our officers that work on 24 the task force have overtime hours and they're 25 working outside of their regularly scheduled</p>	<p style="text-align: right;">Page 277</p> <p>1 police, or is that a broader amount of -- 2 A. No. I believe that there's a 3 certain percentage of that. I know that, 4 obviously, we're funded through whatever 5 revenues the City collects, and their ability 6 to -- to maintain or -- or hire additional 7 officers are -- that's a part of the 8 conversation with some regularity. 9 Q. I see. So the -- the 10 million 10 that you were referring to is out of the larger 11 City of Akron pot? 12 A. Yes. Not 10 -- 13 Q. And then some percent- -- 14 A. Not \$10 million annually for the 15 Akron Police Department. 16 Q. That was my question. 17 Do you know whether you get federal 18 funding aside from the reimbursements we just 19 discussed? 20 A. I don't know. 21 Q. Okay. Do you get money from 22 forfeitures? 23 A. We get some monies from 24 forfeitures, yes. 25 Q. And do you know how much?</p>

<p style="text-align: right;">Page 278</p> <p>1 A. No. We -- there's -- there are 2 policies in place that determine, like, if a -- 3 if a forfeiture is -- is made as a result of an 4 investigation for one of the task force, then 5 there's -- the way that those monies are 6 distributed is -- is defined. Prosecutors get 7 a certain percentage of those forfeitures 8 because of the role that they play in the 9 process as well. And there's a difference 10 every single year with exactly what those would 11 be, depending upon what they look like that 12 particular year. If we hit -- if there was 13 something that was particularly large. 14 Q. We've talked about grants. Is 15 there anything else that contributes to the pot 16 of money that the Akron Police Department gets? 17 A. Not that I'm aware of. We get -- 18 sometimes we have reimbursements from the State 19 of Ohio from OPOTA, which I mentioned earlier 20 is Ohio Police Officers Training Academy for 21 training. If we do a certain amount of 22 in-service training, they'll pay us for those 23 hours, and the last two years we've not gotten 24 money from Ohio for training. 25 Q. If we wanted to find out the</p>	<p style="text-align: right;">Page 280</p> <p>1 - - - - - 2 Q. Chief Ball, you've been handed 3 Exhibit 17, which is another document that the 4 lawyers have provided to us, providing some 5 information and answers. 6 Do you know whether you've seen 7 this document before? 8 A. I don't know. 9 Q. Okay. I'm going to be asking you 10 questions about a list that appears on page 15 11 and 16, the bullet-pointed list. Do you see 12 that? 13 A. I do. 14 Q. Okay. And the sentence that just 15 precedes that list says, "Plaintiffs' 16 categories of damages in this matter are 17 expected to include but are not limited to the 18 following," and then there's a list. 19 A. I do see that. 20 Q. Okay. And if you look at the third 21 bullet point on the list, you see it says, 22 "Cost of training emergency and/or first 23 responders in the proper treatment of drug 24 overdoses"? 25 A. Yes.</p>
<p style="text-align: right;">Page 279</p> <p>1 breakdown of percentages of how each of these 2 different categories make up your total, would 3 we ask Captain Schnee? 4 A. It would be Captain Schnee, or it 5 would be somebody from the off- -- the City of 6 Akron's office of budget and finance. 7 Q. Okay. And you've mentioned Andy 8 Carey a few times. Is he one of those people? 9 A. No. He works for -- in our 10 building -- in our office of planning and 11 resource -- or planning and research. 12 Q. I see. Would he have 13 that information, or no? 14 A. He may have. 15 Q. He may have it? 16 A. He may have that information. 17 Q. Okay. 18 - - - - - 19 (Thereupon, Deposition Exhibit 17, 20 Summit County and City of Akron, 21 Ohio Plaintiff's First Amended 22 Responses and Objections to 23 Distributor Defendants' Third Set of 24 Interrogatories, was marked for 25 purposes of identification.)</p>	<p style="text-align: right;">Page 281</p> <p>1 Q. And do you know how much was spent 2 on that? 3 A. No. 4 Q. And who would know that? 5 A. It could be our -- we would have 6 to -- I don't know if those numbers have been 7 put together or not, so it would be either 8 planning and research or from our services 9 office, Captain -- Captain Schnee. 10 Q. The next bullet says, "Costs 11 associated with providing police officers and 12 others with naloxone," which is Narcan, right? 13 A. Yes. 14 Q. Do you know how much was spent on 15 that? 16 A. No. 17 Q. And I think you mentioned earlier 18 you do believe there was a -- some sort of 19 grant involved in that, right? 20 A. Yes. 21 Q. Okay. And you don't know what 22 the -- what the percentage was of grant money 23 that covered that? 24 A. No. 25 Q. Okay. If you turn the page, the</p>

<p style="text-align: right;">Page 282</p> <p>1 bullet at the top of page 16 says, "Costs 2 associated with law enforcement and public 3 safety relating to the opioid epidemic, 4 including but not limited to attempts to stop 5 the flow of opioids into local communities, to 6 arrest and prosecute street-level dealers, to 7 prevent the current opioid epidemic from 8 spreading and worsening, and to deal with the 9 increased levels of crimes that have directly 10 resulted from the increased homeless and 11 drug-addicted population." 12 Do you know how much money was 13 spent on that? 14 A. No. 15 Q. Do you know who would, if anyone? 16 A. I don't know if that's something 17 that -- that was a result of this action; if 18 his -- if it's been put together, calculated, 19 or not. 20 Q. Okay. If you look further down the 21 list, about a third of the way from the bottom 22 of the page up, so it's the fourth bullet from 23 the bottom. 24 Do you see where it says, 25 "Increased public safety services, including</p>	<p style="text-align: right;">Page 284</p> <p>1 vehicle fleets," do you know how much that is? 2 A. I do not. 3 Q. And do you know what specifically 4 the impact of the opioid epidemic is on your 5 vehicle fleet? 6 A. No. 7 Q. Can you think of anything? 8 A. I mean, you could -- I'm sure we 9 could go out and extrapolate the calls for 10 service and the average distance that we're 11 traveling for those calls of service. We could 12 look at gas and maintenance and wear and tear. 13 How long is the vehicle on scene? Is it 14 wintertime or summertime and the vehicle is 15 idling and running air conditioning or heating 16 and. 17 I mean, I -- I would imagine 18 that that could be done or I don't know if 19 it's -- if it's been done. I certainly 20 wouldn't be able to throw out a number. 21 Q. Okay. You can put that aside. 22 We talked earlier about the -- 23 we're done with that one. We talked earlier 24 about the fact that a large portion of the 25 opioid epidemic is caused by non-prescription</p>
<p style="text-align: right;">Page 283</p> <p>1 but not limited to training, investigations, 2 staffing, jail expenses, dispatch services, and 3 task forces as a result of the opioid 4 epidemic"? 5 A. I do. 6 Q. And do you know how much that cost? 7 A. No, I don't. 8 Q. And so the task forces, those are 9 things that are provided to you, right? 10 MR. LEDLIE: Object to the form. 11 Asked and answered. 12 A. Well, the task -- we are 13 participants, and we've talked about that, 14 about, you know, the City's commitment, 15 salaries and benefits, and then the extra 16 things that they pay for and being able to 17 leverage our work, take advantage of their 18 personnel, their equipment, their expertise. 19 Q. Right. But their personnel, their 20 equipment, and their expertise is paid for by 21 them, right? 22 A. We don't -- yes. 23 Q. And then if you look at the second 24 bullet from the bottom, "Costs associated with 25 impact of opioid epidemic on Plaintiffs'</p>	<p style="text-align: right;">Page 285</p> <p>1 opioids. 2 MR. LEDLIE: Object to the form. 3 Q. You remember we talked about that? 4 A. I do. 5 Q. Okay. Sorry. Are you looking for 6 something? 7 A. No. 8 Q. No? 9 A. I'm sorry. 10 Q. That's okay. 11 And do you have an understanding of 12 the sources of illegal drugs that are coming 13 into Akron? 14 A. Some knowledge. 15 Q. Okay. What is your knowledge? 16 A. For illegal drugs? 17 Q. Yes, illegal drugs. 18 MR. LEDLIE: Object to the form of 19 the question. 20 A. We have issues from both Mexico and 21 China. Those are more prevalent. And I don't 22 know if those are the -- the only ones, but 23 those are the ones that have had the biggest 24 impact and most we're aware of and that we find 25 ourselves dealing with regularly.</p>

<p style="text-align: right;">Page 286</p> <p>1 Q. What are -- what is coming in from 2 Mexico and China? And it may be two separate 3 things, so. 4 A. I know from China it was Fentanyl 5 and other derivatives of Fentanyl, carfentanil 6 and other forms. 7 And from Mexico it's also Fentanyl. 8 And crystal meth and cocaine are more prominent 9 from Mexico. 10 Q. And what about heroin? 11 A. From Mexico. 12 Q. From Mexico? 13 A. For the most -- I -- I -- that just 14 is, I guess, maybe casual knowledge that I have 15 from being in meetings or reading reports. 16 Q. And who is it that would know the 17 most about that? 18 A. Probably Captain Shearer. 19 Q. Captain Shearer? 20 A. I mean, some of our task force 21 officers that actually work for -- on the FBI 22 task force or the DEA task force, I'm sure that 23 they've got even a greater intimacy. 24 Q. Are there other sources of heroin 25 into Akron that you know about?</p>	<p style="text-align: right;">Page 288</p> <p>1 A. I don't know what to extent [sic]. 2 I know that -- 3 MS. SAULINO: I've never asked that 4 question before. 5 MR. LEDLIE: You did. I can search 6 it for you if you'd like. 7 MS. SAULINO: Counterfeit? I've 8 never -- I literally never asked that question 9 before. 10 Q. Let's try that again. 11 Are counterfeit prescription 12 opioids a problem you've seen in Akron? 13 MR. LEDLIE: Object to the form. 14 A. There have been occasion where I 15 think -- I'm not for certain if counterfeit 16 prescriptions have been an issue or not. 17 I know that at times we've had 18 illegal drugs that have been, you know -- yeah, 19 I guess it would be counterfeit. They've been 20 pressed into pills to simulate -- simulate 21 legal prescriptions. 22 Q. Okay. So that -- so -- so other 23 than that, though -- 24 A. No. I -- it's -- it's probably, 25 like, the second or third time I've ever even</p>
<p style="text-align: right;">Page 287</p> <p>1 A. Not that I know about specifically. 2 I'm not -- I'm not aware altogether where it's 3 coming from. 4 Q. And you would agree with me that 5 none of the Defendants in this action are being 6 identified by you as -- as shipping in illegal 7 substances like we were just talking about, 8 right? 9 A. That's fair. 10 Q. You would agree with me that none 11 of the Defendants in this action make those 12 illegal drugs, right? 13 MR. LEDLIE: Object to the form of 14 the question. 15 A. Not to my knowledge. 16 Q. And they don't sell those illegal 17 drugs, right? 18 A. Not to my knowledge. 19 Q. And they don't transport them, 20 right? 21 A. I don't believe so. 22 Q. Are counterfeit prescription 23 opioids a problem that you've seen in Akron? 24 MR. LEDLIE: Object to the form. 25 Asked and answered.</p>	<p style="text-align: right;">Page 289</p> <p>1 heard it mentioned. 2 Q. And you are not alleging that any 3 of the Defendants in this action are the source 4 of these counterfeit opioids, right? 5 A. Correct. 6 Q. You and I have both used the term 7 "diversion" a number of times today. What is 8 your understanding of what drug diversion is? 9 A. The only familiar -- familiarity 10 that I have with the term is our diversion 11 unit, which investigates illeg- -- illegal use 12 of legal prescription medications. 13 Q. And what are the ways that you 14 understand that diversion can happen? 15 A. You have an unscrupulous doctor or 16 other person that's qualified to dispense 17 that's not using an accepted standard of care, 18 that's profiting for different reasons. And 19 there have been several stories that I've seen 20 for different things that motivate people. But 21 they make -- write prescriptions for 22 non-medical-justifiable circumstances, or in 23 excess of what those justifiable medical 24 circumstances may be, or with a greater 25 regularity, or fraudulently to, you know, names</p>

<p style="text-align: right;">Page 290</p> <p>1 that don't exist or patients that are 2 misrepresenting identity, or -- many different 3 ways that that can express itself. 4 Q. Any other ways that you understand 5 diversion can happen? 6 A. Not just off the top of my head. 7 Q. Have you heard about forgery of 8 prescriptions? 9 A. Uh-huh. 10 Q. Yes? 11 A. Yes, I have. 12 Q. Pill mills? 13 A. Yes. I think -- I thought what I 14 was describing previously would have been a 15 pill mill. 16 Q. I wasn't sure, so. 17 A. Okay. 18 Q. And what about resale by patients 19 who have been prescribed? 20 A. Yes. 21 Q. Theft? 22 A. Yes. 23 Q. And Internet pharmacies? 24 A. Just a vague familiarity with that, 25 with maybe seeing something on an article or</p>	<p style="text-align: right;">Page 292</p> <p>1 MR. LEDLIE: Object to the form. 2 A. I wouldn't know how to quantify 3 that. I mean, I would think that if you look 4 at the problem that we have with addiction and 5 the way that it manifests in so many different 6 other ways, that it would -- a reasonable 7 people -- a reasonable person would probably 8 say that, yes, it has been significant. 9 I know that, you know, it's kind of 10 shocking when a doctor gets arrested, and you 11 have familiarity either through a report or an 12 article that it's been hundreds of thousands of 13 pills or thousands of pills and hundreds of 14 patients, that, yeah, that means that there's a 15 significant problem. 16 Q. Are you familiar with how those 17 cases are investigated? 18 A. Not altogether. 19 Q. Okay. 20 A. I've never had an assignment in 21 narcotics or been intimate -- intimately 22 involved in a higher-level narcotics 23 investigation. 24 Q. You would agree with me, though, 25 that a doctor prescribing opioids to a patient</p>
<p style="text-align: right;">Page 291</p> <p>1 something. 2 Q. Is that something that the Akron 3 Police Department has had much involvement in? 4 A. I wouldn't know if that's something 5 that our diversion unit had worked on or not or 6 seen with any kind of regularity. 7 Q. Have you personally investigated 8 diversion at any point? 9 A. No. 10 Q. Have you heard of drug trafficking 11 organizations trafficking prescription opioids 12 from another state or country into Akron? 13 A. Not specifically, to my recall. 14 Q. Have you heard of the term the 15 "blue highway"? 16 A. No. 17 Q. Heard about the "oxy express"? 18 A. No. 19 Q. Have you -- let me be more 20 specific. Have you heard about prescription 21 drugs being trafficked and diverted from 22 Michigan to Ohio? 23 A. No. 24 Q. Do you believe that diversion is a 25 serious problem in Akron?</p>	<p style="text-align: right;">Page 293</p> <p>1 could be entirely legal, right? 2 A. Sure. 3 Q. Right. And a patient bringing a 4 prescription for opioids to a pharmacy could be 5 entirely legal, right? 6 A. A patient bringing a -- 7 Q. A prescription. 8 A. Yes. 9 Q. And so figuring out which of those 10 might be efforts at diversion is much more 11 complicated, right? 12 MR. LEDLIE: Object to form. 13 A. I would imagine. 14 Q. Do you remember when you first 15 became aware that diversion was a problem? 16 A. Probably not until maybe Detective 17 Leonard had that assignment. Detective Leonard 18 and I were in the academy together, so we had a 19 relationship. 20 I don't think I had a significant 21 awareness maybe prior to his assignment that 22 that was something that we committed resources 23 to or would have been this sizable problem that 24 it was. My exposure was kind of limited. 25 Q. And do you know of anything that</p>

<p style="text-align: right;">Page 294</p> <p>1 you or others at the Akron Police Department 2 could have done to combat diversion? 3 MR. LEDLIE: Object to the form. 4 A. No, I'm not aware. I believe 5 there's a point in time where we had two 6 full-time detectives, but because of staffing 7 we were not able to -- to continue that. 8 Q. Just to round that out, diversion 9 is a crime, right? 10 A. Yes. 11 Q. Now, you would agree with me, 12 wouldn't you, Chief Ball, that the Defendants 13 in this action can't control what happens to 14 pills when they leave their hands, right? 15 MR. LEDLIE: Object to the form. 16 Calls for speculation. 17 A. Sounds logical. 18 Q. They certainly can't stop resales 19 of pills once the pills are dispensed, right? 20 MR. LEDLIE: Object to the form. 21 A. Correct. 22 Q. They can't stop theft, right? 23 MR. LEDLIE: Object to the form. 24 A. Right. 25 Q. And they can't stop pill sharing,</p>	<p style="text-align: right;">Page 296</p> <p>1 Q. They can't stop drug trafficking, 2 right? 3 A. Right. 4 Q. They can't stop people from 5 counterfeiting pills, right? 6 A. Right. 7 MR. LEDLIE: Object to the form. 8 Q. They can't take away doctors' 9 licenses, right? 10 A. Right. 11 Q. They can't take away pharmacists' 12 licenses, right? 13 MR. LEDLIE: Object to the form. 14 A. Correct. 15 Q. You haven't personally ever shut 16 down a pill mill, right? 17 A. No, I have not. 18 Q. And you haven't personally ever 19 second-guessed a prescription, right? 20 MR. LEDLIE: Object to the form. 21 A. Right. 22 Q. Have you ever personally detected a 23 prescription forgery? 24 A. No. I mean, I've personally 25 objected when I was in the emergency room with</p>
<p style="text-align: right;">Page 295</p> <p>1 right? 2 MR. LEDLIE: Object to the form. 3 A. Correct. 4 Q. And you would agree with me that 5 the Defendants don't have any police power over 6 unlawful conduct, right? 7 A. Right. 8 Q. So they can't shut down pill mills, 9 right? 10 MR. LEDLIE: Object to the form. 11 A. I don't know. I don't know. I 12 don't know if there's a role that -- where 13 there are checks and balances, where there is 14 an accountability for increases in -- 15 significant increases in orderings or 16 dispensing, and if there's an association or 17 just an awareness that's important for -- for 18 them to have, knowing the significance or 19 the -- potentially the impacts, negative 20 impacts, that could exist. 21 Q. Not my question. They were -- 22 A. Okay. 23 Q. They can't literally go in and shut 24 down a business, right? 25 A. Right.</p>	<p style="text-align: right;">Page 297</p> <p>1 my son a week ago when they wanted to give him 2 a prescription for morphine for a muscle 3 soreness, but not in my capacity as a police 4 officer or investigator. 5 Q. Okay. Did you think there was 6 anything illegal about what they were doing? 7 A. No. 8 Q. You just didn't want your son to 9 have morphine, right? 10 A. I just thought that it was odd that 11 it was even a suggestion at that moment that -- 12 under the circumstances, for his very specific 13 circumstance. 14 Q. That's fair. That was a doctor or 15 a medical professional, right? 16 A. Yes. 17 Q. That wasn't a pharmaceutical 18 distributor, right? 19 A. Right. 20 Q. It wasn't a pharmaceutical 21 manufacturer, right? 22 MR. LEDLIE: Object to the form. 23 A. No. I just wanted to be specific 24 because of the way the question was asked. 25 Q. But you'd agree with me that</p>

<p style="text-align: right;">Page 298</p> <p>1 detecting actual diversion is a hard thing to 2 do, right?</p> <p>3 MR. LEDLIE: Object to the form.</p> <p>4 A. I'm -- I'm not certain, because I 5 haven't been involved in those investigations. 6 I mean, there are times when information is 7 readily available, like through state 8 databases, that would make it much -- a much 9 easier task. Like, I couldn't say for certain.</p> <p>10 Q. What state databases do you mean?</p> <p>11 A. That keep track of the 12 prescriptions that are issued for, you know, 13 patients to make sure that there's -- doctor 14 shopping isn't going on and other -- I think 15 that they track doctors and other prescribing 16 agents. They track that. They track the 17 patients.</p> <p>18 Q. And those are available to law 19 enforcement, right?</p> <p>20 A. Yes, they are.</p> <p>21 Q. To your knowledge, those are not 22 available to pharmaceutical manufacturers, 23 right?</p> <p>24 MR. LEDLIE: Object to the form.</p> <p>25 A. Not to my knowledge.</p>	<p style="text-align: right;">Page 300</p> <p>1 THE VIDEOGRAPHER: Back on the 2 record at 4:04 p.m.</p> <p>3 BY MS. SAULINO:</p> <p>4 Q. Chief Ball?</p> <p>5 A. Yes.</p> <p>6 Q. I've asked you this in smaller 7 sections before, but more generally, can you 8 identify any doctors who engaged in diversion 9 that you have known about since you joined the 10 Akron Police Department?</p> <p>11 A. I wouldn't be able to name one 12 specifically.</p> <p>13 Q. Okay. The same question about 14 other kinds of prescribers, like nurse 15 practitioners?</p> <p>16 A. No.</p> <p>17 Q. No? Any pharmacists?</p> <p>18 A. No. I mean, I've read a coup- -- 19 I've read some articles. I saw one just last 20 week about a conviction that was made, but I 21 don't -- not specifically.</p> <p>22 Q. And these are articles that you've 23 read in the paper, not --</p> <p>24 A. Right.</p> <p>25 Q. -- not information you've</p>
<p style="text-align: right;">Page 299</p> <p>1 Q. And they are not available to 2 pharmaceutical distributors, right?</p> <p>3 A. I wouldn't imagine. I don't know.</p> <p>4 Q. You would agree with me, though, 5 that there are -- is a balancing of patient 6 privacy that needs to be considered in those 7 kinds of -- in access to those kinds of 8 databases, right?</p> <p>9 MR. LEDLIE: Object to the form.</p> <p>10 A. I don't know for sure. I would 11 imagine.</p> <p>12 Q. Specific patient information and --</p> <p>13 A. Yes.</p> <p>14 Q. -- prescription information? You 15 agree?</p> <p>16 A. Yes, there are limits.</p> <p>17 Q. So there -- there would be limits 18 on outside companies having access, right?</p> <p>19 A. Right.</p> <p>20 MR. LEDLIE: Is this a good spot 21 for a break?</p> <p>22 MS. SAULINO: Sure.</p> <p>23 THE VIDEOGRAPHER: Going off the 24 record at 3:49 p.m.</p> <p>25 (A recess was taken.)</p>	<p style="text-align: right;">Page 301</p> <p>1 received --</p> <p>2 A. Not an investigation that I led 3 or --</p> <p>4 Q. And not information you've received 5 in your capacity as chief of police?</p> <p>6 A. Not that I would have recall of or 7 a specific suspect.</p> <p>8 Q. Okay. Can you identify any 9 pharmacies that engaged in diversion?</p> <p>10 A. I don't remember specifically.</p> <p>11 Q. Okay. And I don't think this will 12 change your answer, but to be clear, I'm asking 13 both about those that have been prosecuted and 14 those that have been investigated but not 15 prosecuted.</p> <p>16 A. Yeah, I don't have that specific 17 information.</p> <p>18 Q. Do you have any way of estimating 19 how many -- how many individuals or entities 20 the Akron Police Department has investigated 21 for diversion in the last five years?</p> <p>22 A. No. No.</p> <p>23 - - - - -</p> <p>24 (Thereupon, Deposition Exhibit 18, 25 Corrected Second Amended Complaint</p>

<p style="text-align: right;">Page 302</p> <p>1 and Jury Demand, was marked for 2 purposes of identification.) 3 - - - - - 4 Q. You've been handed Exhibit 18, 5 which is the complaint in this case. 6 A. Okay. 7 Q. And I'm -- I'm certainly not going 8 to ask you questions about all of it. And 9 right now -- 10 A. You want to give me two -- two 11 hours to read it? 12 Q. Yeah. Well, you read it already. 13 You told me. 14 A. Skimmed it. 15 Q. No. My question -- my questions 16 right now are about Paragraph 705, which is on 17 page 211. Okay. Are you there? 18 A. Yes. 19 Q. Paragraph 705, the first sentence 20 says, "Further, since 2014, at least three 21 prescribers in Summit County and a number of 22 employees working in health care settings in 23 Summit County were convicted of crimes 24 involving drug diversion." 25 A. I see that.</p>	<p style="text-align: right;">Page 304</p> <p>1 an Akron physician and three employees were 2 indicted for a pattern of illegal prescribing 3 involving hundreds of thousands of doses of 4 OxyContin, Percocet, Opana, and other drugs, 5 conduct that continued even after the doctor 6 learned of fatal overdoses." 7 A. I see that. 8 Q. Do you know who that was? 9 A. No. 10 Q. Do you know who would? 11 A. Detective Leonard. I would imagine 12 that was a DEA case. Or a -- you know, the 13 diversion unit. 14 Q. Okay. That's all I have with the 15 complaint right now. 16 If you could pull back out 17 Exhibit 11, which is one of those sets of 18 interrogatories. 19 A. I'm sorry. Okay. 20 Q. Okay. And if you turn to page 21 36 -- 22 A. Okay. 23 Q. -- you see there's a paragraph that 24 begins just below the top of the page on 36, 25 which says, "Subject to and without waiving all</p>
<p style="text-align: right;">Page 303</p> <p>1 Q. Do you know who those individuals 2 are? 3 A. No, I don't. 4 Q. Do you know whether the Akron 5 Police Department investigated them? 6 A. I don't know that. 7 And when I answered your question 8 before, it was not in my personal knowledge, 9 but it certainly wasn't that those instances 10 hadn't occurred or those investigations did not 11 take place or arrests had not been made. It 12 just was I didn't have a -- you know, a recall 13 of it or a familiarity. 14 Q. I understand. 15 And if you could look at Paragraph 16 706, you'll see the first sentence there says, 17 "One doctor, for example, was convicted of 18 illegally distributing some 30,000 tablets of 19 oxycodone, OxyContin, and Opana from a Copley 20 Township office." 21 A. I see that. 22 Q. Do you know who that was? 23 A. No. 24 Q. Okay. And if you look at Paragraph 25 707 on page 212, you see it says, "Similarly,</p>	<p style="text-align: right;">Page 305</p> <p>1 objections, Plaintiff further answers as 2 follows: Since 2014, at least four prescribers 3 in Summit County were convicted of crimes 4 involving drug diversion," and then there are 5 some names. "An Akron area physician, Adolph 6 Harper, Jr., and three of his employees, Adria 7 Harper, Patricia Laughman, and Tequilla Barry 8 pled guilty in October 2014 for prescribing 9 hundreds of thousands of doses of prescription 10 opioids between 2009 and 2012." 11 And then it says, "In December 2014 12 a former Copley Township family medicine doctor 13 named Brian Heim pled guilty to conspiracy to 14 distribute controlled substances and 20 counts 15 of distribution of controlled substances." 16 Are you familiar with those cases? 17 A. No. 18 Q. Okay. And can you tell me anything 19 about their investigation? 20 A. No. 21 Q. Do you know if anyone at the Akron 22 Police Department worked on them? 23 A. I don't know. 24 Q. Okay. If you turn to page 8 of 25 that same document, Exhibit 2. You see at the</p>

<p style="text-align: right;">Page 306</p> <p>1 middle of that page, the paragraph begins, 2 "Despite Defendants' obligations to monitor and 3 report suspicious orders, the ARCOS database 4 identifies these pharmacies as having 5 suspicious orders for opioids within Summit 6 County, Ohio." 7 A. I do see that. 8 Q. Okay. Do you know what that means? 9 A. An allegation that there was a 10 responsibility with distributors. 11 Q. Do you know what's -- what -- 12 A. I don't know what the ARCOS 13 stands -- database stands for. 14 Q. Do you know what it does? 15 A. No. 16 Q. Do you know who maintains it? 17 A. No. 18 Q. Do you know who inside the Akron 19 Police Department might know? 20 A. Detective Leonard. 21 Q. Do you know if Detective Leonard or 22 anyone else in the Akron Police Department has 23 access to the ARCOS database? 24 A. I don't know. 25 Q. Do you know whether he uses it?</p>	<p style="text-align: right;">Page 308</p> <p>1 answered that question. 2 Q. I'm confused. Why is it -- 3 A. Typic- -- 4 Q. Go ahead. 5 A. Typically, that's not at a level 6 that the Akron Police Department would 7 investigate. That would be the DEA or one of 8 our task force members. You know, our 9 detectives are not regularly operating on that 10 level without support or participation from one 11 of our federal partners. 12 Q. Is this something that you would 13 want the Akron Police Department to be able to 14 investigate? 15 A. I don't even know what the scope of 16 that, if that's possible. I would trust that 17 the people that are involved are knowledgeable; 18 that, you know, those steps would be taken; and 19 if there was a need for Akron Police Department 20 to be involved, it would be brought to our 21 attention. I mean, this is -- we're talking 22 about, you know, a gigantic scope here, and I 23 don't have that kind of familiarity to say -- 24 yeah, I'm not an expert in everything that 25 happens with the Akron Police Department.</p>
<p style="text-align: right;">Page 307</p> <p>1 MR. LEDLIE: Object to the form. 2 A. I don't know. 3 Q. And have you ever seen this list of 4 pharmacies before? 5 A. I don't think so. I don't know for 6 sure. 7 Q. Seeing that this list of pharmacies 8 has been identified by the ARCOS database as 9 having suspicious orders for opioids, is this 10 something that you would want the Akron Police 11 Department to investigate? 12 A. Again, I don't know if that falls 13 within our purview or if that's something that 14 is better handled by the DEA. I'm not exactly 15 sure what the -- you know, the confines of a -- 16 of an investigation would look like or what 17 entities are best prepared to handle that very 18 specific type of investigation. 19 Q. You're the chief of police, right? 20 A. Yes. 21 Q. So you can't tell me whether the 22 Akron Police Department should investigate 23 these pharmacies? 24 MR. LEDLIE: Object to the form. 25 A. That's what I just said when I</p>	<p style="text-align: right;">Page 309</p> <p>1 Q. And I think you mentioned that this 2 is the kind of -- I may not have the word 3 right, but that these investigations would be 4 complicated; is that right? 5 A. Yeah. 6 Q. And how would they be complicated? 7 A. Just with the number of -- the fact 8 that it's probably not just local. There are 9 multi jurisdictions involved. I don't know 10 where the manufacturers are located, where the 11 distributors are located. 12 Q. I'm sorry. How would the 13 manufacturers and distributors have anything to 14 do with these particular pharmacies needing to 15 be investigated? 16 A. Again, that's -- that's an area 17 of -- of specialty, and -- and that has always 18 been working out of our office for diversion 19 and from our partner- -- federal partnership. 20 Q. Okay. But it's fair to say that 21 investigating a list of pharmacies for 22 suspicious orders is something that would be 23 complicated? 24 A. Sure. 25 Q. And that you would expect the DEA</p>

<p style="text-align: right;">Page 310</p> <p>1 to do?</p> <p>2 MR. LEDLIE: Object to the form.</p> <p>3 A. I would -- I would expect that our</p> <p>4 diversion unit would work on a case like this,</p> <p>5 and that they work under and with the DEA. So,</p> <p>6 yes, that would be my expectation.</p> <p>7 Q. Now that you have this list, will</p> <p>8 you take it to them and ask them to investigate</p> <p>9 it?</p> <p>10 A. I don't know. I probably -- I</p> <p>11 think that I will definitely work to have a</p> <p>12 better understanding of -- of how this has --</p> <p>13 you know, works in our work environment and if</p> <p>14 we're doing things that we need to and if the</p> <p>15 task force is serving the needs of our</p> <p>16 community well, and have some of those</p> <p>17 conversations. That would be, I think,</p> <p>18 prudent.</p> <p>19 Q. Do you know where this list came</p> <p>20 from?</p> <p>21 A. I do not.</p> <p>22 Q. Other than the ARCOS database?</p> <p>23 A. No.</p> <p>24 Q. And do you know whether the lawyers</p> <p>25 who put this list together have ever even</p>	<p style="text-align: right;">Page 312</p> <p>1 A. And it would have been to the</p> <p>2 diversion unit.</p> <p>3 Q. Do you know whether any Akron</p> <p>4 police department is using suspicious order</p> <p>5 reports for any reason?</p> <p>6 MR. LEDLIE: Object to the form.</p> <p>7 A. I don't know for certainty. I</p> <p>8 would imagine that, yeah, our diversion unit is</p> <p>9 using them, but I don't --</p> <p>10 Q. But you don't know.</p> <p>11 A. I don't know.</p> <p>12 Q. And do you know -- I take it you</p> <p>13 don't know how long they may have had access to</p> <p>14 them?</p> <p>15 A. I don't.</p> <p>16 Q. Okay. Now, earlier you mentioned a</p> <p>17 database in Ohio that has information -- that</p> <p>18 you understand has information about</p> <p>19 prescriptions?</p> <p>20 A. (Witness nodding head.)</p> <p>21 Q. Do you know the name of that</p> <p>22 database?</p> <p>23 A. No, I don't.</p> <p>24 Q. Okay. And do you know how -- how</p> <p>25 long officers have had access to that?</p>
<p style="text-align: right;">Page 311</p> <p>1 provided it to your task force officers?</p> <p>2 MR. LEDLIE: Object to the form.</p> <p>3 A. I don't know that.</p> <p>4 Q. Do you know when they got this</p> <p>5 information?</p> <p>6 A. I do not.</p> <p>7 MS. RION: Objection.</p> <p>8 Q. Do you know what a suspicious order</p> <p>9 report is?</p> <p>10 A. No. I mean, I could -- I think it</p> <p>11 probably is common sense, and there's</p> <p>12 definitions that would -- probably are in place</p> <p>13 that would identify those things, but I don't</p> <p>14 have -- I've never had experience with one or I</p> <p>15 haven't seen it listed before.</p> <p>16 Q. And if you had had access to a list</p> <p>17 like this years ago, would you have used it?</p> <p>18 MR. LEDLIE: Object to the form.</p> <p>19 A. If I had access to a list years</p> <p>20 ago, I -- I wouldn't have been in an assignment</p> <p>21 where that would be something that would --</p> <p>22 that would be where I would have had training</p> <p>23 or familiarity or scope of my assignment to do</p> <p>24 anything other than make a referral.</p> <p>25 Q. Okay.</p>	<p style="text-align: right;">Page 313</p> <p>1 A. No.</p> <p>2 Q. Do you know who in your department</p> <p>3 has access to that?</p> <p>4 A. Detective Leonard.</p> <p>5 Q. And you know that for sure?</p> <p>6 A. I would imagine. That's his role,</p> <p>7 his assignment with the police department. So</p> <p>8 I don't know if his -- if his bosses would as</p> <p>9 well, or if that would be something that would</p> <p>10 be exclusive to that task force.</p> <p>11 Q. Okay. And you understand that</p> <p>12 pharmacies only have very limited access to</p> <p>13 that database?</p> <p>14 MR. LEDLIE: Object to the form.</p> <p>15 A. I don't know that.</p> <p>16 Q. You don't know one way or the</p> <p>17 other?</p> <p>18 A. No.</p> <p>19 Q. Have you ever asked?</p> <p>20 A. No.</p> <p>21 Q. Do you know what the Ohio licensing</p> <p>22 agency's role is in dealing with doctors or</p> <p>23 pharmacists who --</p> <p>24 A. No.</p> <p>25 Q. -- have been accused of diversion?</p>

<p style="text-align: right;">Page 314</p> <p>1 MR. LEDLIE: Object to the form.</p> <p>2 A. No.</p> <p>3 Q. And have you ever contacted any of</p> <p>4 the licensing agencies?</p> <p>5 A. I have not.</p> <p>6 Q. Do you know, even in talking with</p> <p>7 your colleague, Detective Leonard, whether</p> <p>8 there are any occasions where anyone within the</p> <p>9 Akron Police Department suspected diversion but</p> <p>10 didn't make a prosecution or arrest?</p> <p>11 A. I don't know.</p> <p>12 Q. If you look back at the very first</p> <p>13 page of the complaint, so Exhibit 18 -- well,</p> <p>14 not just the very first page, but -- all right.</p> <p>15 And that's where you need to be.</p> <p>16 In your review of the complaint, do</p> <p>17 you see any of the Defendants that are illegal</p> <p>18 drug traffickers?</p> <p>19 A. No.</p> <p>20 Q. And what about doctors that have</p> <p>21 been accused of or prosecuted for diversion?</p> <p>22 A. No.</p> <p>23 Q. What about pill mill owners?</p> <p>24 A. No.</p> <p>25 Q. What about pharmacists that have</p>	<p style="text-align: right;">Page 316</p> <p>1 you'd agree with me that law enforcement has</p> <p>2 access to information like databases that</p> <p>3 contains -- that contain patient-related</p> <p>4 information and prescription-related</p> <p>5 information that private individuals don't</p> <p>6 have, right?</p> <p>7 MR. LEDLIE: Object to the form.</p> <p>8 A. I believe so.</p> <p>9 Q. And private companies?</p> <p>10 A. Yes.</p> <p>11 Q. You don't have any reason to</p> <p>12 believe that pharmaceutical manufacturers have</p> <p>13 access to the ARCOS database that we were just</p> <p>14 discussing, right?</p> <p>15 MR. LEDLIE: Object to the form.</p> <p>16 A. I don't.</p> <p>17 Q. Or pharmaceutical distributors?</p> <p>18 MR. LEDLIE: Object to the form.</p> <p>19 A. Not to my knowledge.</p> <p>20 Q. Or retail pharmacies?</p> <p>21 A. Correct.</p> <p>22 MR. LEDLIE: Object to the form.</p> <p>23 Q. Not to your knowledge?</p> <p>24 A. Not to my knowledge.</p> <p>25 Q. Are you aware of any system that</p>
<p style="text-align: right;">Page 315</p> <p>1 engaged in diversion?</p> <p>2 A. No.</p> <p>3 Q. What about individuals who engaged</p> <p>4 in theft or forgery?</p> <p>5 A. No.</p> <p>6 Q. None of those people are named as</p> <p>7 Defendants, right?</p> <p>8 A. Right.</p> <p>9 Q. But you agree with me that all of</p> <p>10 those types of people have contributed to the</p> <p>11 opioid crisis?</p> <p>12 MR. LEDLIE: Object to the form of</p> <p>13 the question.</p> <p>14 A. I do think that those people have,</p> <p>15 that it's a very large, complex issue, and</p> <p>16 that, you know, law enforcement specifically</p> <p>17 has had a concentration and a focus and a</p> <p>18 perspective that is narrow as it relates to the</p> <p>19 problem in some ways. It's different than</p> <p>20 public health. It's different than other</p> <p>21 agencies who are impacted, children services.</p> <p>22 And, so, yeah, from that perspective, and law</p> <p>23 enforcement's familiarity and exposure, that's</p> <p>24 a big part of it.</p> <p>25 Q. Okay. But as we've just discussed,</p>	<p style="text-align: right;">Page 317</p> <p>1 would allow pharmaceutical distributors,</p> <p>2 manufacturers, or retail pharmacies to know the</p> <p>3 reasons why a doctor decided to prescribe an</p> <p>4 opioid to a patient?</p> <p>5 MR. LEDLIE: Object to the form.</p> <p>6 A. I'm not familiar with that process.</p> <p>7 Q. Do you know if there's any way that</p> <p>8 they would know that?</p> <p>9 A. No. I don't believe -- I don't</p> <p>10 know.</p> <p>11 Q. Can you imagine any way that that</p> <p>12 could occur?</p> <p>13 A. No.</p> <p>14 Q. Do you know how many opiate</p> <p>15 prescriptions were written in Akron in 2017?</p> <p>16 A. I do not.</p> <p>17 Q. Do you know if anyone tracks that</p> <p>18 information?</p> <p>19 A. I would imagine that it's -- that</p> <p>20 it's tracked by those resources that we just</p> <p>21 talked about.</p> <p>22 Q. Do you know who has access to that</p> <p>23 information?</p> <p>24 A. No, I don't.</p> <p>25 Q. Do you know whether the Akron</p>

<p style="text-align: right;">Page 318</p> <p>1 Police Department does?</p> <p>2 A. I don't know.</p> <p>3 Q. Do you know how many prescription</p> <p>4 opioids were consumed in Akron last year?</p> <p>5 MR. LEDLIE: Object to the form.</p> <p>6 A. No.</p> <p>7 Q. Do you know whether anyone in the</p> <p>8 Akron Police Department does?</p> <p>9 A. I don't know.</p> <p>10 Q. Given the crisis that you've</p> <p>11 described, why is it that the Akron Police</p> <p>12 Department hasn't looked into these numbers?</p> <p>13 MR. LEDLIE: Object to the form.</p> <p>14 Badgering.</p> <p>15 You can answer.</p> <p>16 A. I don't --</p> <p>17 Q. Sir, I'm certainly not trying to</p> <p>18 badger you. I'm asking you a question.</p> <p>19 A. Oh, no, I don't have an answer to</p> <p>20 that question. I don't -- I don't know why</p> <p>21 that is. And the explanation may be that</p> <p>22 that's a very specialized area of</p> <p>23 investigation.</p> <p>24 And with a department that is</p> <p>25 large, there is, I think, a -- probably a</p>	<p style="text-align: right;">Page 320</p> <p>1 department?</p> <p>2 A. Yes.</p> <p>3 Q. Okay, okay.</p> <p>4 A. And, you know, the other partners</p> <p>5 that we have, like in the task forces,</p> <p>6 obviously.</p> <p>7 Q. Like the DEA?</p> <p>8 A. Sure.</p> <p>9 Q. Okay. And the FBI?</p> <p>10 A. (Witness nodding head.)</p> <p>11 Q. Yes?</p> <p>12 A. Correct.</p> <p>13 - - - - -</p> <p>14 (Thereupon, Deposition Exhibit 19,</p> <p>15 8/4/2016 E-Mail from Erika Wiles Re:</p> <p>16 Z1/Z4 Report, AKRON_001127875 to</p> <p>17 001127879, was marked for purposes</p> <p>18 of identification.)</p> <p>19 - - - - -</p> <p>20 Q. Chief Ball, the court reporter has</p> <p>21 just handed you what has been marked as Exhibit</p> <p>22 19, which is an e-mail from August 4, 2016,</p> <p>23 from Erika Wiles. You are one of the many</p> <p>24 addressees on this. And I can tell you that we</p> <p>25 found similar e-mails in the production to us.</p>
<p style="text-align: right;">Page 319</p> <p>1 tendency to trust that the people that have</p> <p>2 those responsibilities are rightly managed and</p> <p>3 that they're doing their work and that the work</p> <p>4 is important, it's relevant to the issues that</p> <p>5 we have.</p> <p>6 And so they're, you know, like,</p> <p>7 very, very specific questions about narcotics</p> <p>8 investigations. I could be asked very, very</p> <p>9 specific questions about accident traffic</p> <p>10 reconstruction, where I wouldn't have a</p> <p>11 familiarity down to so much detail about what</p> <p>12 happens in that unit. Or even with, you know,</p> <p>13 a homicide investigation, in some ways; not</p> <p>14 privy to every suspect that is involved, and</p> <p>15 familiar with some cases because it may have</p> <p>16 gotten more attention in the media or more</p> <p>17 conversation in a staff meeting.</p> <p>18 But, you know, it's a big</p> <p>19 department with a lot of different things</p> <p>20 happening.</p> <p>21 Q. That's totally fair.</p> <p>22 When you say that you were trusting</p> <p>23 the people who have those responsibilities,</p> <p>24 that they're rightly managed and that they're</p> <p>25 doing their work, do you mean people within the</p>	<p style="text-align: right;">Page 321</p> <p>1 Do you know what this is?</p> <p>2 A. This is a daily report of a major</p> <p>3 incident. It goes out every single -- well,</p> <p>4 every single business day, just as a rundown of</p> <p>5 the major events from the last 24 hours.</p> <p>6 Q. And what is the purpose of this</p> <p>7 report?</p> <p>8 A. So that information can be shared</p> <p>9 division to division, so that upper-level</p> <p>10 management can have a familiarity with the</p> <p>11 major events, so that zone commanders and</p> <p>12 neighborhood response officers, community</p> <p>13 policing officers can all -- all have insight</p> <p>14 into events that have -- will have occurred</p> <p>15 over the last 24 hours that should get their</p> <p>16 attention or that they may be required to</p> <p>17 follow up on.</p> <p>18 Q. Okay. And how is it that -- that</p> <p>19 cases are picked to be included in this set?</p> <p>20 A. That is -- repeat that?</p> <p>21 Q. How is it that -- that incidents</p> <p>22 are picked to be included in this set that --</p> <p>23 that comes in the report?</p> <p>24 A. They are categorized, I believe, by</p> <p>25 the CAD, and then if they are a certain coded</p>

<p style="text-align: right;">Page 322</p> <p>1 type of response or level of crime, then 2 they're automatically included. 3 I -- I don't know if it's automatic 4 or if Erika Wiles, who works in our planning 5 and research unit, if she has a set criteria. 6 I don't think that she does this manually every 7 day. This is -- so I would imagine it's -- 8 it's pulled by call type or call response. 9 Q. Okay. But you don't know exactly? 10 A. I don't know 100 percent. 11 Q. If you look at the second to last 12 page of the document, the last page of the 13 actual e-mail -- 14 A. Uh-huh. 15 Q. -- at the top there's a report of 16 an unintentional overdose. 17 A. Right. 18 Q. Is that the kind of incident that 19 is always included? 20 MR. LEDLIE: Object to the form. 21 A. Always included? 22 MS. SAULINO: Sorry. Can you -- 23 whoever's on the phone, can you mute, please? 24 Q. Okay. Sorry. 25 Is that the type of incident that</p>	<p style="text-align: right;">Page 324</p> <p>1 proportionally, but I know that it's -- it's 2 common. 3 Q. Okay. And these reports here that 4 we're looking at, do you know when they started 5 getting sent? 6 A. I don't. 7 Q. Okay. We don't have any prior to 8 late 2011. Were they being sent before then, 9 to your recollection? 10 A. I don't know. 11 Q. You don't know? Okay. 12 A. That's -- yeah, I don't know. 13 Q. Okay. All right. So you just 14 don't know how common or uncommon it is that 15 the reports would include a mention of drugs -- 16 prescription drugs that had not been prescribed 17 to the individual? 18 A. Right. I don't know how common 19 that would be. 20 Q. Okay. But it certainly was 21 something that happened in Akron, right? 22 A. Yeah. 23 Q. Quite a bit, right? 24 MR. LEDLIE: Object to the form. 25 A. Again, I don't know --</p>
<p style="text-align: right;">Page 323</p> <p>1 is always included in this report? 2 MR. LEDLIE: Object to the form. 3 A. I don't know if they always -- our 4 overdoses, especially if it -- there was a -- a 5 death as a result, they -- they're listed, 6 because sudden deaths, homicides, robberies, 7 ag. robberies, felonious assaults, burglaries, 8 breaking and enterings, significant felony 9 thefts, those would be the types of incidents 10 that were reported, in addition to overdose -- 11 overdose deaths would be, you know, a sudden 12 death. 13 Q. All right. And you see where it 14 says, "James was found passed out in the 15 driver's seat"? 16 A. I do. 17 Q. And then it -- further on it says, 18 "He took Adderall and Percocet that were not 19 prescribed to him"? 20 A. Yes. 21 Q. Is that something that's fairly 22 common in drug overdoses? 23 MR. LEDLIE: Object to the form. 24 A. I would imagine that it's common. 25 I don't know if it's significant</p>	<p style="text-align: right;">Page 325</p> <p>1 Q. Okay. 2 A. I wouldn't see normally -- 3 typically, it wouldn't be listed. 4 Familiarity that I have, that this 5 patient -- or this subject did not die. I 6 don't think that every overdose we have is 7 listed in these reports. 8 Q. Okay. 9 A. Sudden deaths were -- all of those 10 would be. 11 Q. And the databases that we discussed 12 earlier that track overdoses, they don't break 13 those overdoses down by whether drugs had been 14 taken by an individual who was not prescribed 15 them, right? 16 A. Right, they do not. 17 Q. Those statistics are just not kept, 18 right? 19 MR. LEDLIE: Object to the form. 20 A. Right. They could do -- there are 21 some, like, secondary searches that they could 22 do that would include words pulled from a 23 narrative where they may be able to put some of 24 that together. But they're not separated in 25 some of the other reports that are organized</p>

<p style="text-align: right;">Page 326</p> <p>1 for the department.</p> <p>2 Q. And as you said, the narrative</p> <p>3 wouldn't necessarily include that information,</p> <p>4 right?</p> <p>5 A. It may not.</p> <p>6 Q. Okay. So even if it might be true,</p> <p>7 it might not be in the narrative?</p> <p>8 A. Possibly.</p> <p>9 Q. Okay. When you all are preparing</p> <p>10 an arrested individual for prosecution, do</p> <p>11 you -- does your department participate in</p> <p>12 creating any kind of, like, a prosecution memo?</p> <p>13 A. There's a supplemental arrest</p> <p>14 report that's filled out, and that is a -- just</p> <p>15 a brief narrative that goes to the -- goes to</p> <p>16 the prosecutor's office so that at preliminary</p> <p>17 hearing the following morning, there can be a</p> <p>18 general synopsis of the events and some other</p> <p>19 information, like probation, parole, warrants</p> <p>20 on file, potential information that could lead</p> <p>21 to fear of being a flight risk, so that the</p> <p>22 prosecutors the following day are able to -- to</p> <p>23 help to make bond recommendations and have just</p> <p>24 a general idea of what the circumstances were.</p> <p>25 That is specific for that purpose. And then</p>	<p style="text-align: right;">Page 328</p> <p>1 MR. LEDLIE: Objection.</p> <p>2 A. I don't know.</p> <p>3 Q. Or kept track of in a database?</p> <p>4 A. Our -- our diversion unit,</p> <p>5 narcotics -- all of our antiviolence,</p> <p>6 narcotics, street narcotics, all the task</p> <p>7 forces, diversion, those are -- that's a</p> <p>8 separate building. We don't work out of the</p> <p>9 same building with those units, so there's --</p> <p>10 you know, some of the processes they have, I'm</p> <p>11 not absolute about or completely familiar with.</p> <p>12 An incident report is required for</p> <p>13 all of our arrests. There would be situations</p> <p>14 where there could be a continuing investigation</p> <p>15 where it would be potentially compromising for</p> <p>16 the investigation, potentially dangerous to a</p> <p>17 source or somebody that's arrested if there's</p> <p>18 not immediate prosecution with it. And so</p> <p>19 there are times when that information would not</p> <p>20 follow the normal -- like, submit an incident</p> <p>21 report because there's something else going on</p> <p>22 with that particular case. So I don't know how</p> <p>23 they file or categorize them up at our other</p> <p>24 building.</p> <p>25 And the incident reports are all --</p>
<p style="text-align: right;">Page 327</p> <p>1 there are much broader, complete investigative</p> <p>2 reports that are filled out.</p> <p>3 Q. Okay. And where are those kept?</p> <p>4 A. Our record room.</p> <p>5 Q. But I don't -- what is the order in</p> <p>6 which they're kept? Are they kept by name? By</p> <p>7 number?</p> <p>8 A. I'm sure that they're -- that</p> <p>9 they're accessible by each of those. They</p> <p>10 would be able to -- to pull those by arrest</p> <p>11 numbers, by incident numbers, by suspect names.</p> <p>12 Q. And is it your understanding</p> <p>13 there's a database that would keep all of that</p> <p>14 information?</p> <p>15 A. I don't know how that's all</p> <p>16 categorized.</p> <p>17 Q. Who would know?</p> <p>18 A. Pam Brown is our supervisor,</p> <p>19 civilian supervisor in records. Bryan Harding,</p> <p>20 who is the captain who's in charge of those</p> <p>21 areas.</p> <p>22 Q. And do you know whether diversion</p> <p>23 cases that are investigated by the Akron Police</p> <p>24 Department are kept in one set?</p> <p>25 A. I don't know.</p>	<p style="text-align: right;">Page 329</p> <p>1 they're all computer- -- on computer-generated,</p> <p>2 but the supplemental reports I mentioned before</p> <p>3 are -- those are one of the rare handwritten</p> <p>4 reports that we have, so I don't know exactly</p> <p>5 the way.</p> <p>6 The others -- incident reports,</p> <p>7 most of the reports that we do are stored</p> <p>8 electronically. The supplemental arrest</p> <p>9 reports, I don't know if those are scanned or</p> <p>10 if they're hardcopy kept. I don't -- I'm not</p> <p>11 familiar with that.</p> <p>12 MS. SAULINO: Okay, Chief Ball. At</p> <p>13 this time I don't have more questions for you.</p> <p>14 I can't promise I won't have more questions for</p> <p>15 you today, but right now I don't, but --</p> <p>16 THE WITNESS: Okay.</p> <p>17 MS. SAULINO: -- some of my</p> <p>18 colleagues do.</p> <p>19 THE WITNESS: Okay.</p> <p>20 MR. LOMBARDO: Why don't we take a</p> <p>21 short break so that we can get reconfigured.</p> <p>22 MR LEDLIE: That's fine.</p> <p>23 THE VIDEOGRAPHER: Going off the</p> <p>24 record at 4:36.</p> <p>25 (A recess was taken.)</p>

<p style="text-align: right;">Page 330</p> <p>1 THE VIDEOGRAPHER: Back on the 2 record at 4:43 p.m. 3 - - - - - 4 (Thereupon, Deposition Exhibit 20, 5 Document Titled "State Issue 1: A 6 Safe Harbor for Drug Traffickers and 7 Violent Offenders", was marked for 8 purposes of identification.) 9 - - - - - 10 BY MS. SAULINO: 11 Q. Chief Ball, the court reporter has 12 just marked -- Exhibit 21? 13 A. 20. 14 Q. 20. You recognize that document? 15 A. I do. 16 Q. And that is a set of talking points 17 that you received from the Ohio Prosecuting 18 Attorneys Association? 19 MR. LEDLIE: Object to the form. 20 A. I don't remember exactly where it 21 came from. I think that there was a -- that it 22 was distributed. Obviously it comes from the 23 Ohio Prosecuting Attorneys Association. 24 There's that -- that's on this document. I 25 think it was presented at a meeting I was at</p>	<p style="text-align: right;">Page 332</p> <p>1 When we started the day, do you 2 recall that you provided a list of opioids, 3 types of opioids, that you're familiar with? 4 A. Yes. 5 Q. And I think you mentioned you're 6 some -- you're familiar with some of them from 7 your work with the Akron Police Department, and 8 some you are familiar with because you've read 9 about in articles, and you mentioned because 10 you had just read the complaint as well. Do 11 you recall that? 12 A. Yes. 13 Q. Which of the opioids that you 14 listed are you familiar with from your work 15 with the Akron Police Department? 16 A. OxyContin, oxycodone, Percocet, 17 Vicodin, heroin, Fentanyl, carfentanyl. That 18 probably is not a list that's completely 19 inclusive, but off the top of my head, those 20 are ones that I know that I've had experience 21 with in my job. 22 Q. If you take a moment, will you -- 23 are you able to think of any others, or is that 24 the best you can do at this point? 25 A. Morphine. I mean, I'm -- yeah. I</p>
<p style="text-align: right;">Page 331</p> <p>1 for Summit County police chiefs by a local 2 judge. 3 Q. Can you read that title on the top 4 of the document? 5 A. "State Issue 1, a safe harbor for 6 drug traffickers and violent offenders." 7 Q. Did you ever use these talking 8 points? 9 A. No, I did not. 10 Q. And why did you keep them? 11 A. I just had them attached in case 12 the -- and I carried them in my notes in case I 13 was ever asked direct questions about that 14 particular topic so that I could have -- speak 15 with some understanding. 16 Q. So you didn't disagree with them? 17 MR. LEDLIE: Object to the form. 18 A. I don't disagree with them. 19 EXAMINATION OF KENNETH R. BALL II 20 BY MR. LOMBARDO: 21 Q. Hello, Chief Ball. 22 A. Hi. 23 Q. I'm glad to get the opportunity to 24 talk to you for a few minutes and not just sit 25 across the table.</p>	<p style="text-align: right;">Page 333</p> <p>1 didn't study or -- that just is my familiarity 2 at first glance. 3 Q. Who's responsible for setting the 4 training curriculum or the subjects of training 5 within the police department? 6 A. Ohio gives the mandates for the 7 police officers training academy. Ohio, each 8 year, the Ohio Police Officers Training 9 Academy, they would put out mandates per 10 required training for -- as a part of our 11 in-service, and then depending on how many 12 hours they were requiring and -- and how much 13 time we could make available, we would add -- 14 like, I wouldn't call it electives, but we 15 would add other topics that were relevant for 16 the Akron Police Department, or a group of 17 either training leaders or department leaders 18 would -- would figure out that this could be 19 timely or beneficial or some of it is required. 20 Prosecutor's office may have "now 21 is the time that we need to do some legal 22 updates," or there was a change in this law or 23 application of this law. 24 So it's a lot of different people 25 have involvement in that process.</p>

<p style="text-align: right;">Page 334</p> <p>1 Q. For how many years have you had a</p> <p>2 role in determining which training subjects to</p> <p>3 add on as elective training?</p> <p>4 A. I hadn't had that role. I'm sure</p> <p>5 that my opinion has been considered for the</p> <p>6 last three years. Probably I wouldn't say I</p> <p>7 had that role until I became chief of police</p> <p>8 where it was definitive, and so...</p> <p>9 Q. And earlier, with respect to</p> <p>10 opioids in particular, you mentioned training</p> <p>11 relating to the use of Narcan. Do you recall</p> <p>12 that?</p> <p>13 A. Yes, I do.</p> <p>14 Q. And training with respect to the</p> <p>15 physical handling of certain types of opioids?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. Beyond those two training</p> <p>18 modules, why haven't you recommended other</p> <p>19 training to include in the elective training</p> <p>20 courses for police officers?</p> <p>21 A. I would not have had either a</p> <p>22 familiarity with what that training would be</p> <p>23 and how it could benefit us, or the department</p> <p>24 was limited in the amount of time that we had</p> <p>25 to train, and so there were some other</p>	<p style="text-align: right;">Page 336</p> <p>1 would gain from reading, you know, Ohio</p> <p>2 Association Chiefs of Police. Sometimes</p> <p>3 they'll send out training curriculum. Other</p> <p>4 periodicals that the department has membership</p> <p>5 in, and I'll receive those and see if there's</p> <p>6 something that's timely in there.</p> <p>7 PoliceOne is a website that I</p> <p>8 participate with, and they have a lot of</p> <p>9 training recommendations, training articles.</p> <p>10 International Association of Chiefs of Police,</p> <p>11 they make recommendations. The Ohio</p> <p>12 Collaborative, which is a group of law</p> <p>13 enforcement and non-law enforcement that make</p> <p>14 recommendations to the governor about police</p> <p>15 practices and police policy, they'll make</p> <p>16 recommendations. So I'm sensitive to all those</p> <p>17 different things.</p> <p>18 Q. You take input from a lot of</p> <p>19 sources on this?</p> <p>20 A. Yes.</p> <p>21 Q. But your goal, ultimately, is to</p> <p>22 select training modules for elective training</p> <p>23 that's going to be addressing the most</p> <p>24 important and timely subjects for your</p> <p>25 officers; is that right?</p>
<p style="text-align: right;">Page 335</p> <p>1 important topics to cover as well.</p> <p>2 Q. So in considering which topics to</p> <p>3 propose for elective training, you look at the</p> <p>4 priorities of the department; is that right?</p> <p>5 A. That's a part of the process.</p> <p>6 Q. And you tend to select the topics</p> <p>7 that you think are the most important and</p> <p>8 timely that the officers should know about?</p> <p>9 A. Well, when you -- when you say</p> <p>10 "you," are you referring to me, or are you</p> <p>11 referring to the process?</p> <p>12 Q. To you in particular.</p> <p>13 A. To me in particular, it would be.</p> <p>14 And this is the first year where I have had</p> <p>15 that kind of influence or, you know, that</p> <p>16 decision-making authority.</p> <p>17 You defer to -- obviously, there's</p> <p>18 a perspective that others in the department</p> <p>19 have as well. Training, it's important for our</p> <p>20 training commander and the training staff to be</p> <p>21 educated about, you know, new topics, or old</p> <p>22 topics that need to be refreshed, and so it</p> <p>23 would be to be considered -- to consider those</p> <p>24 perspectives.</p> <p>25 To include my familiarity that I</p>	<p style="text-align: right;">Page 337</p> <p>1 MR. LEDLIE: Object to the form.</p> <p>2 A. If that's within our means, yes.</p> <p>3 Q. Okay. And you have not, since</p> <p>4 you've had this role, proposed that opioids be</p> <p>5 the topic of elective training for your</p> <p>6 officers; is that right?</p> <p>7 A. That's correct.</p> <p>8 Q. You mentioned earlier that you were</p> <p>9 prescribed an opioid for pain at some point; is</p> <p>10 that right?</p> <p>11 A. Yes.</p> <p>12 Q. Do you recall what prescription</p> <p>13 opioid that was?</p> <p>14 A. Oxycodone, maybe. Percocet. I</p> <p>15 don't -- I know oxycodone at one point in time,</p> <p>16 and I don't know at another point in time what</p> <p>17 it would have been.</p> <p>18 Q. And did you -- did you take the</p> <p>19 drug that was prescribed?</p> <p>20 A. A couple doses.</p> <p>21 Q. Okay. And so you followed the</p> <p>22 prescription; is that right?</p> <p>23 A. Well, yeah, I would have followed</p> <p>24 the prescription, but it wasn't -- I never</p> <p>25 exhausted a prescription that -- that I was</p>

<p style="text-align: right;">Page 338</p> <p>1 given.</p> <p>2 Q. You never took an excess of the</p> <p>3 dosage that was prescribed to you, correct?</p> <p>4 A. I never took an excess of the</p> <p>5 dosage, nor did I ever finish out a</p> <p>6 prescription.</p> <p>7 Q. And did you get pain relief from</p> <p>8 the prescription drug that you took?</p> <p>9 A. I would imagine. I mean, I -- yes.</p> <p>10 Q. And did you have any problems --</p> <p>11 did you encounter any problems from the</p> <p>12 prescription drug that you took?</p> <p>13 A. No. I would have only taken a</p> <p>14 prescription drug for maybe one or two days.</p> <p>15 Q. Okay. And did you appreciate the</p> <p>16 pain relief that you got from taking the</p> <p>17 prescribed drug?</p> <p>18 A. Sure.</p> <p>19 Q. To your knowledge, has the</p> <p>20 department ever investigated a case involving a</p> <p>21 subject who was taking a prescription opioid --</p> <p>22 opiate as prescribed by a medical professional?</p> <p>23 A. Have we ever investigated a case</p> <p>24 where somebody was taking a medicine as</p> <p>25 prescribed? No, that wouldn't be a criminal</p>	<p style="text-align: right;">Page 340</p> <p>1 County community opiate meeting?</p> <p>2 A. Yes, it is.</p> <p>3 Q. And do you recall this meeting?</p> <p>4 A. I don't.</p> <p>5 Q. Do you -- setting aside whether you</p> <p>6 recall specifically attending the meeting, do</p> <p>7 you recall that this meeting even occurred?</p> <p>8 A. I don't know. That was almost</p> <p>9 three years ago.</p> <p>10 Q. And so you wouldn't recall whether</p> <p>11 anyone from your police department participated</p> <p>12 in this meeting?</p> <p>13 A. I wouldn't know that for certain.</p> <p>14 MR. BREWER: What's the Bates</p> <p>15 number on that?</p> <p>16 MR. LOMBARDO: I don't see any.</p> <p>17 Q. If you turn to the second page of</p> <p>18 Exhibit -- Exhibit 21, you see at the top there</p> <p>19 it says, "Dear Community Leader"?</p> <p>20 A. Yes.</p> <p>21 Q. And then it says, quote, "The</p> <p>22 opiate epidemic and shift to heroin is causing</p> <p>23 great concern throughout the State of Ohio."</p> <p>24 Do you see that?</p> <p>25 A. I do.</p>
<p style="text-align: right;">Page 339</p> <p>1 offense, and it wouldn't cause there to be</p> <p>2 involvement with the Akron Police Department.</p> <p>3 Q. Are you aware of any situations</p> <p>4 where your department investigated an overdose</p> <p>5 involving a subject who was taking a</p> <p>6 prescription opioid in accordance with a</p> <p>7 prescription from a medical professional?</p> <p>8 MR. LEDLIE: Object to the form.</p> <p>9 A. I -- I don't know that information.</p> <p>10 - - - - -</p> <p>11 (Thereupon, Deposition Exhibit 21,</p> <p>12 January/February 2016 E-Mail Chain</p> <p>13 Re: You're Invited: Summit County</p> <p>14 Opiate Meeting, was marked for</p> <p>15 purposes of identification.)</p> <p>16 - - - - -</p> <p>17 Q. The court reporter has handed you</p> <p>18 what he's marked as Exhibit 21, a series of</p> <p>19 e-mails. And if you look at the lower half of</p> <p>20 the first page there, there's an e-mail from</p> <p>21 Robert Fiatal on which you are one of the</p> <p>22 recipients. Do you see that?</p> <p>23 A. Yes, I do.</p> <p>24 Q. And is this an invitation from the</p> <p>25 Ohio attorney general's office to a Summit</p>	<p style="text-align: right;">Page 341</p> <p>1 Q. Do you understand what this is</p> <p>2 referring to where it mentions a shift to</p> <p>3 heroin?</p> <p>4 A. I think I do.</p> <p>5 Q. Okay. What is your understanding</p> <p>6 about a shift to heroin at this time in -- in</p> <p>7 January of 2016?</p> <p>8 A. That when we first started to see</p> <p>9 deaths that were -- that were connected with</p> <p>10 the significant increase we had in 2014, those</p> <p>11 were predominantly heroin -- cases where heroin</p> <p>12 was used.</p> <p>13 Q. Okay. And so it was a shift from</p> <p>14 what type of drug?</p> <p>15 A. It was a shift from other opiates.</p> <p>16 Q. Okay. So your understanding and</p> <p>17 your recollection is that beginning in 2014,</p> <p>18 there was a shift in overdoses that you were</p> <p>19 seeing from other opiates to heroin; is that</p> <p>20 right?</p> <p>21 A. I think -- yeah, I think that's</p> <p>22 accurate.</p> <p>23 Q. Okay. And what were the other</p> <p>24 opiates that you were seeing before this shift</p> <p>25 in 2014?</p>

<p style="text-align: right;">Page 342</p> <p>1 A. Some of the ones that I had 2 mentioned previously. But I don't -- it wasn't 3 something that was, I think, on the conscience 4 of law enforcement at that point in time 5 because we weren't -- we weren't having heroin 6 deaths that were connected. We weren't having 7 overdose deaths that were connected. So we'd 8 got different attention and -- when we started 9 having bodies dropping. 10 So what it looked like before that, 11 I don't have great familiarity with what it 12 looked like before. I think before that it 13 wasn't perceived in significant ways of being a 14 law enforcement issue. 15 Our officers wouldn't respond to 16 calls for service, typically, for an overdose 17 unless it was a person that was threatening 18 suicide or somebody that was found in a -- 19 whoever found them, somebody close to them, 20 would have been unsure of what those 21 circumstances may have been and found somebody 22 that was unconsciousness or in some kind of 23 medical distress. If it was just an overdose, 24 Akron police wouldn't have typically responded 25 to those calls.</p>	<p style="text-align: right;">Page 344</p> <p>1 police department? 2 A. I have no idea. I would imagine 3 that it is. That's coming from -- no, I 4 don't -- I don't know about that distribution. 5 Q. Okay. And do you see where in the 6 first sentence of Detective Heim's e-mail he 7 writes, "As you all already know, Fentanyl is 8 being sold as heroin throughout the state, most 9 heavily in the Akron area." 10 Do you see that? 11 A. I do see that. And it's likely 12 that Steve Heim is -- that's "all police 13 department," so that's going to his police 14 department. And then I think that it was 15 forwarded then from his chief of police to 16 other chiefs that are on the Summit County -- 17 other members of chief -- chief of police from 18 Summit County. 19 Q. And on the page before the page we 20 were just looking at, the one ending in Bates 21 402, do you see that Chief Nice sends the 22 e-mail to you and Paul Calvaruso? 23 A. Yes. 24 Q. Was it correct that Fentanyl was 25 being sold as heroin throughout the state and</p>
<p style="text-align: right;">Page 343</p> <p>1 - - - - - 2 (Thereupon, Deposition Exhibit 22, 3 2016 E-Mail Chain Re: Heroin Field 4 Testing, AKRON_000321401 to 5 000321403, was marked for purposes 6 of identification.) 7 - - - - - 8 Q. The court reporter has handed you 9 what he's marked as Exhibit 22, another string 10 of e-mails beginning with the Bates number 11 Akron 321401. If you'll turn to the second to 12 last page of that e-mail string -- 13 A. Okay. 14 Q. -- Exhibit 22. You see an e-mail 15 there in the middle of the page from Steve Heim 16 to all police department? 17 A. On the second page? 18 Q. The second to last page. 19 A. I see an e-mail from Steve Heim to 20 all police departments on the last page. 21 Q. Okay. I have another page on my 22 copy. It's blank, but there's another page on 23 my copy. 24 In that e-mail is "all police 25 department" a distribution e-mail list in your</p>	<p style="text-align: right;">Page 345</p> <p>1 most heavily in the Akron area at this time? 2 A. That's true. 3 Q. And that began -- did that begin -- 4 let me ask you, when did that begin? 5 A. I don't know when that began. 6 Q. And below there, he wrote, "The 7 introduction of carfentanil in the area 8 occurred over the July 4th weekend and has been 9 the cause of most of the overdose deaths since 10 then." 11 Do you see that? 12 A. Where are you specifically 13 referring to? Second page? 14 Q. No. The last page. Steve Heim's 15 original e-mail in the second sentence, he 16 writes, "The introduction of carfentanil in the 17 area occurred over the July 4th weekend and has 18 been the cause of most of the overdose deaths 19 since then." 20 Do you see that? 21 A. I do see that. 22 Q. And we were talking earlier about 23 the introduction of carfentanil in July of 24 2016, right? 25 A. Yes.</p>

<p style="text-align: right;">Page 346</p> <p>1 Q. And was it accurate that</p> <p>2 carfentanil was the cause of most of the</p> <p>3 overdose since -- overdose deaths since then?</p> <p>4 MR. LEDLIE: Object to the form of</p> <p>5 the question.</p> <p>6 A. No, that's not accurate.</p> <p>7 Q. What's not accurate about that?</p> <p>8 A. That carfentanil was responsible</p> <p>9 for most of the overdose deaths since then. It</p> <p>10 was very predominant for a short period of</p> <p>11 time, and when we had a significant spike,</p> <p>12 carfentanil was predominantly involved.</p> <p>13 But since then there was a</p> <p>14 significant fall-off of carfentanil. I don't</p> <p>15 know if -- I don't think that we're seeing it</p> <p>16 with any kind of the same regularity as we did</p> <p>17 during that period of time, during the summer</p> <p>18 of 2016.</p> <p>19 Q. But was that statement by Detective</p> <p>20 Heim accurate when he wrote it in July of 2016?</p> <p>21 A. Yes, that would have been accurate</p> <p>22 at that time.</p> <p>23 Q. And your department did an</p> <p>24 investigation into the overdoses and the</p> <p>25 overdose deaths from carfentanil during July of</p>	<p style="text-align: right;">Page 348</p> <p>1 A. I do.</p> <p>2 Q. And was it accurate in July of 2016</p> <p>3 that Fentanyl was the analgesic blamed for the</p> <p>4 increase in overdose deaths?</p> <p>5 A. State that again.</p> <p>6 Q. Was it accurate when Detective Heim</p> <p>7 wrote this in July of 2016, that Fentanyl was</p> <p>8 the analgesic blamed for the increasing</p> <p>9 overdose deaths?</p> <p>10 A. I think specifically in July of</p> <p>11 2016, it was carfentanil that was responsible</p> <p>12 for that significant spike. Prior to that,</p> <p>13 Fentanyl was something that we saw with</p> <p>14 regularity.</p> <p>15 Q. Okay. And so how long prior to</p> <p>16 July of 2016 was Fentanyl the analgesic that</p> <p>17 you were seeing as having responsibility for</p> <p>18 increasing overdose deaths?</p> <p>19 A. I don't know that answer for</p> <p>20 certain.</p> <p>21 Q. Was your department investigating</p> <p>22 the causes of Fentanyl deaths prior to July of</p> <p>23 2016?</p> <p>24 A. Yes.</p> <p>25 Q. And what did that investigation</p>
<p style="text-align: right;">Page 347</p> <p>1 2016; is that right?</p> <p>2 A. Yes, it is.</p> <p>3 Q. And what did that investigation</p> <p>4 reveal about why the individuals took the</p> <p>5 carfentanil?</p> <p>6 A. I don't know what the investigation</p> <p>7 would have revealed about why those individuals</p> <p>8 chose.</p> <p>9 Q. What -- do you recall whether the</p> <p>10 investigation revealed anything about whether</p> <p>11 the individuals who took carfentanil were</p> <p>12 addicted to opiates?</p> <p>13 A. I don't know if that's a -- a</p> <p>14 connection that was able to be made through</p> <p>15 investigation.</p> <p>16 Q. And do you see in the paragraph</p> <p>17 below there, there's a paragraph that starts</p> <p>18 with, quote, "Just some info."</p> <p>19 A. I see that.</p> <p>20 Q. And in the -- the second sentence</p> <p>21 of that paragraph, Detective Heim writes, "This</p> <p>22 is 100 times stronger than Fentanyl, the</p> <p>23 analgesic blamed for the increasing overdose</p> <p>24 deaths."</p> <p>25 Do you see that?</p>	<p style="text-align: right;">Page 349</p> <p>1 reveal about whether the individuals who</p> <p>2 overdosed on Fentanyl had been addicted to</p> <p>3 opiates?</p> <p>4 A. I don't have that specific</p> <p>5 information about those individual</p> <p>6 investigations.</p> <p>7 Q. Could you retrieve Exhibit 4 that</p> <p>8 was marked earlier?</p> <p>9 MR. LEDLIE: Document title? Just</p> <p>10 so -- I'm trying to help him find it.</p> <p>11 MR. LOMBARDO: It looks like this.</p> <p>12 THE WITNESS: Sorry about that.</p> <p>13 Q. The stack is getting rather large.</p> <p>14 A. Yes.</p> <p>15 Q. You have a --</p> <p>16 A. I was going to put that binder back</p> <p>17 on, but I didn't want to interrupt the process,</p> <p>18 but.</p> <p>19 Q. Do you have Exhibit 4 in front of</p> <p>20 you now?</p> <p>21 A. I do.</p> <p>22 Q. And the news story that's there</p> <p>23 beginning on the second page of Exhibit 4,</p> <p>24 that, again, relates to the spike in overdoses</p> <p>25 that you saw in July of 2016 from the</p>

<p style="text-align: right;">Page 350</p> <p>1 introduction of carfentanil; is that right?</p> <p>2 A. It is.</p> <p>3 Q. And the article references, "Since</p> <p>4 July 5th," -- it's about four paragraphs down.</p> <p>5 A. I see it.</p> <p>6 Q. -- "91 overdoses have been reported</p> <p>7 in the City of Akron."</p> <p>8 Do you see that?</p> <p>9 A. I do.</p> <p>10 Q. Can you describe the investigation</p> <p>11 that your department did into those overdoses?</p> <p>12 A. I -- I don't know specifically.</p> <p>13 Again, I didn't have that kind of exposure to</p> <p>14 know.</p> <p>15 I know that when our officers would</p> <p>16 arrive at the scene, they would start a</p> <p>17 preliminary investiga- -- a preliminary</p> <p>18 investigation based on whatever evidence was</p> <p>19 available there. Typically, that would involve</p> <p>20 seizure of cell phones; interviewing any</p> <p>21 witnesses that might be on scene; whether or</p> <p>22 not there were prescription bottles, needles,</p> <p>23 other drug paraphernalia. And then that</p> <p>24 investigation would likely then move to the</p> <p>25 cell phones; who were the people that were in</p>	<p style="text-align: right;">Page 352</p> <p>1 MR. LEDLIE: Object to the form of</p> <p>2 the question.</p> <p>3 A. I would not know that.</p> <p>4 Q. Is that something that your</p> <p>5 investigation would look into?</p> <p>6 MR. LEDLIE: Object to the form.</p> <p>7 A. I'm sure that the investigation</p> <p>8 would consider all those facts. It's always a</p> <p>9 goal of a drug investigation to try to figure</p> <p>10 out where the sources of the drugs may come</p> <p>11 from and its next level, next level, next</p> <p>12 level.</p> <p>13 Q. And so who -- sorry. Who -- who --</p> <p>14 who or what source would you look to for the</p> <p>15 answer to that question?</p> <p>16 A. Detectives Harvey and Schmidt or</p> <p>17 Captain Shearer, Lieutenant Garro.</p> <p>18 - - - - -</p> <p>19 (Thereupon, Deposition Exhibit 23,</p> <p>20 3/22/2018 E-Mail Chain Re: Da Nico</p> <p>21 Geter, AKRON_000325481, was marked</p> <p>22 for purposes of identification.)</p> <p>23 - - - - -</p> <p>24 Q. The court reporter has handed you</p> <p>25 what he's marked as Exhibit 23. It's a</p>
<p style="text-align: right;">Page 351</p> <p>1 contact with them short- -- prior to their --</p> <p>2 immediately prior to their death. Text</p> <p>3 messaging, potentially, that could have gone on</p> <p>4 with drug dealers or other suppliers, and then</p> <p>5 using that information to try to build a case.</p> <p>6 Q. And lower in that article, on the</p> <p>7 next page, it states, "Chief Nice said it's</p> <p>8 possible that carfentanil may be coming from</p> <p>9 China." And we talked about Fentanyl and</p> <p>10 carfentanil coming from China, right?</p> <p>11 A. Right.</p> <p>12 Q. And do you recall whether it was</p> <p>13 ultimately determined that the carfentanil</p> <p>14 spike in July of 2016 originated in China?</p> <p>15 MR. LEDLIE: Object to the form of</p> <p>16 the question.</p> <p>17 A. I don't know that we were able to</p> <p>18 make that specific connection with our issue.</p> <p>19 You know, I do know that it's -- that it's</p> <p>20 known that China was a source for some of it</p> <p>21 and a big problem.</p> <p>22 Q. And you're not able to say anything</p> <p>23 about whether any of the 91 individuals who</p> <p>24 overdosed on carfentanil in July of 2016 had a</p> <p>25 history of addiction to opiates; is that right?</p>	<p style="text-align: right;">Page 353</p> <p>1 one-page e-mail string Bates-labeled Akron</p> <p>2 325481.</p> <p>3 Do you sometimes give quotes or</p> <p>4 statements to the media on matters of public</p> <p>5 interest?</p> <p>6 A. Yes.</p> <p>7 Q. And who's Rick Edwards?</p> <p>8 A. He's our public information</p> <p>9 officer.</p> <p>10 Q. And what is Rick Edwards' role in</p> <p>11 providing quotes to the media for you?</p> <p>12 A. That is one of his primary roles.</p> <p>13 Q. And do you approve the quotes or</p> <p>14 statements that Rick Edwards provides to the</p> <p>15 media on your behalf?</p> <p>16 A. Yeah, on most occasions, I -- I</p> <p>17 believe on almost all those occasions, I would</p> <p>18 give the -- I would provide the quote.</p> <p>19 Q. You would provide it to Rick?</p> <p>20 A. Yes.</p> <p>21 Q. And he would provide it to the</p> <p>22 media?</p> <p>23 A. Correct.</p> <p>24 Q. Do you recall the case of Da Nico</p> <p>25 Geter of Akron that's described in this Exhibit</p>

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1 23?

2 A. I recall this would be my statement

3 that I typed. I remember that much.

4 Q. You provided this statement?

5 A. I did.

6 Q. How much is 200 grams of -- of

7 carfentanil?

8 A. 200 grams?

9 Q. Is that a lot of carfentanil?

10 A. Yeah.

11 Q. Can that do a lot of damage?

12 A. Yeah, it would do a whole lot of

13 damage.

14 Q. And in the quote that you provided,

15 you indicated 310 people have died as a result

16 of drug overdose in Akron since the start of

17 2016, right?

18 A. Sure, that was accurate.

19 Q. And that's from -- from all types

20 of drugs; is that right?

21 A. From the start of 2016, yes, it

22 would have been.

23 Q. And are you able to say how many of

24 the 310 people who died of a drug overdose

25 since the start of 2016 died from an overdose

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1 on opioids?

2 A. I'm not able.

3 Q. Okay. And then you wrote, quote,

4 "Drug dealers like Da Nico Geter are largely

5 responsible."

6 Do you see that?

7 A. I do.

8 Q. And you gave that statement, right?

9 A. Yes.

10 Q. And you agree with that?

11 A. I do.

12 Q. They're largely responsible for the

13 310 deaths?

14 MR. LEDLIE: Object to the form.

15 Q. Is that right?

16 A. Yeah.

17 Q. Who else is responsible for 310

18 people that died as a result of drug overdose

19 since the start of 2016?

20 A. That's a pretty broad question. I

21 mean, it's hard to say that specifically, but

22 other enablers, other drug addicts that they

23 were with, you know, the providers of -- of

24 excessive or unnecessary prescriptions that can

25 lead to addiction. There's a lot of different

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1 facets to this issue.

2 And there is a significant part of

3 it that is in the lane of the Akron Police

4 Department that deals with heroin or

5 carfentanil or Fentanyl. Exactly what that

6 individual's story is or what exposures or

7 interactions that they have had, it's

8 individual.

9 I know that I've seen and heard

10 many, many people who talked about their

11 circumstances or the circumstances of a loved

12 one and what that path that -- looked like for

13 them, and the problem that we perceived and

14 what I would have perceived initially being the

15 result of personal choice and a lack of values

16 or a lack of discipline was not the totality of

17 this.

18 I know that people have talked

19 about their individual circumstances where

20 somebody was not involved in other addictive

21 behaviors, that was not a drug user in a -- in

22 a criminal way prior to overdose -- or prior to

23 exposure to prescription -- legal prescription

24 opioids -- opioid use.

25 I think it's a process that all of

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1 us, anybody who has a role, has to look at and

2 see the things that were done or not done that

3 could have contributed to this problem getting

4 to be at the level that it's at now.

5 Certainly drug dealers are not

6 doing anything to make our circumstances

7 better. That's obvious.

8 Q. Do you have any information about

9 any specific conduct that any individual

10 Defendant who's named in this complaint engaged

11 in that contributed to the opioid epidemic?

12 A. Did you say specific knowledge or

13 personal knowledge?

14 Q. Do you have -- do you have

15 knowledge of any specific conduct by any

16 individual Defendant named in this complaint

17 that contributed to the opioid epidemic?

18 A. I have a familiarity from reports

19 that I've read or from the complaint that was

20 made about, you know, practices or policies

21 that I was unaware of previously, so I have

22 knowledge or a familiarity. Is that what

23 you're asking?

24 Q. Do you mean from reading the

25 complaint in this case?

<p style="text-align: right;">Page 358</p> <p>1 MR. LEDLIE: Object to form.</p> <p>2 A. From the complaint and from hearing</p> <p>3 speakers at different events, reading different</p> <p>4 media articles, Internet articles.</p> <p>5 Are you asking for my personal</p> <p>6 experience or what I have knowledge of based on</p> <p>7 learning from a pretty broad place and lots of</p> <p>8 different influences?</p> <p>9 Q. Other than from reading the</p> <p>10 complaint in this case, what specific Defendant</p> <p>11 who's named in this case do you have knowledge</p> <p>12 about specific conduct that it engaged in that</p> <p>13 contributed to the opioid epidemic?</p> <p>14 A. I don't for a specific Defendant in</p> <p>15 the case.</p> <p>16 Q. Other than anything that you might</p> <p>17 have learned from reading the complaint, do you</p> <p>18 have knowledge about any conduct by any</p> <p>19 specific Defendant that led any individual to</p> <p>20 take prescription opioids that were not</p> <p>21 medically appropriate?</p> <p>22 A. Not specific to somebody named in</p> <p>23 the complaint.</p> <p>24 Q. Or that led to any individual</p> <p>25 overdosing?</p>	<p style="text-align: right;">Page 360</p> <p>1 Do you recognize this type of</p> <p>2 document?</p> <p>3 A. Yes.</p> <p>4 Q. And are these meeting minutes from</p> <p>5 a meeting that you attended for the Summit</p> <p>6 County drug unit?</p> <p>7 A. It would have been if I'm listed,</p> <p>8 yes.</p> <p>9 Q. Did the -- did the drug unit always</p> <p>10 keep minutes of its meetings?</p> <p>11 A. I believe they have as long as I've</p> <p>12 been associated.</p> <p>13 Q. And as someone who's associated, do</p> <p>14 you receive copies of those minutes in the</p> <p>15 ordinary course?</p> <p>16 A. Yes.</p> <p>17 Q. And do you keep copies of those</p> <p>18 minutes?</p> <p>19 A. I do not.</p> <p>20 Q. Do you receive them -- how do you</p> <p>21 receive them?</p> <p>22 A. I don't know if they send them out</p> <p>23 by e-mail. I don't think they send them out by</p> <p>24 e-mail. They'll have a copy of the minutes</p> <p>25 when we -- when we go into the meeting, I</p>
<p style="text-align: right;">Page 359</p> <p>1 A. Not that I'm aware of.</p> <p>2 Q. Or that led to any individual</p> <p>3 taking illicit street drugs?</p> <p>4 MR. LEDLIE: Object to the form of</p> <p>5 the question.</p> <p>6 A. Not that I'm aware of.</p> <p>7 Q. Has your department ever</p> <p>8 investigated the activities of any sales</p> <p>9 representative of any pharmaceutical</p> <p>10 manufacturer?</p> <p>11 MR. LEDLIE: Object to the form of</p> <p>12 the question.</p> <p>13 A. I don't know that answer.</p> <p>14 - - - - -</p> <p>15 (Thereupon, Deposition Exhibit 24,</p> <p>16 Document Titled "Summit County Drug</p> <p>17 Unit, Minutes of the January 24,</p> <p>18 2018," SUMMIT_000119626, was marked</p> <p>19 for purposes of identification.)</p> <p>20 - - - - -</p> <p>21 Q. The court reporter has handed you</p> <p>22 what he's marked as Exhibit 24. It's titled</p> <p>23 "Summit County Drug Unit Minutes of the January</p> <p>24 24, 2018 Meeting." It's Bates-stamped Summit</p> <p>25 119626.</p>	<p style="text-align: right;">Page 361</p> <p>1 believe.</p> <p>2 Q. So you get a paper copy and you --</p> <p>3 A. I get a paper copy when I arrive</p> <p>4 for the meeting.</p> <p>5 Q. And then you discard it?</p> <p>6 A. Yes.</p> <p>7 Q. How long have you participated in</p> <p>8 the Summit County drug unit on behalf of APD?</p> <p>9 A. Since I've been chief. And there</p> <p>10 were a couple instances prior to that where I</p> <p>11 may have sat in for the -- where I did sit in</p> <p>12 for the prior chief.</p> <p>13 Q. Okay. If you turn to the second</p> <p>14 page of these minutes, do you see a heading</p> <p>15 labeled Roman III "Finances"?</p> <p>16 A. I do.</p> <p>17 Q. And it references, "Captain Paolino</p> <p>18 reviewed the forfeiture and seizure reports,</p> <p>19 along with transactions that occurred in the</p> <p>20 federal forfeiture and project income accounts</p> <p>21 from September 2017 through December 2017."</p> <p>22 Do you see that?</p> <p>23 A. I do see that.</p> <p>24 Q. Do you know what the forfeiture and</p> <p>25 seizure reports are?</p>

<p style="text-align: right;">Page 362</p> <p>1 A. They're just a -- just record 2 keeping for the forfeitures and seizures that 3 are made. 4 Q. And what is the federal forfeiture 5 account that's listed there? 6 A. I don't have full familiarity with 7 it. I -- that's the -- the seizures that are 8 made, I don't know exactly how they 9 categorize -- categorize them. It depends on 10 which entities are participatory in an 11 investigation. And as I kind of talked about 12 this morning, those are -- there are specific 13 rules in place that divide -- or decide how 14 they will be divided. 15 Q. And you're not acquainted with 16 those rules? 17 A. No, I'm not. 18 - - - - - 19 (Thereupon, Deposition Exhibit 25, 20 Document Titled "Ohio Department of 21 Public Safety Office of Criminal 22 Justice Services Subgrant 23 Application Title Page, 24 SUMMIT_000076854 to 000076879, was 25 marked for purposes of</p>	<p style="text-align: right;">Page 364</p> <p>1 Q. And would you agree that that was 2 an accurate statement in 2010 when this grant 3 application was prepared? 4 MR. LEDLIE: Object to the form. 5 A. I would trust that those that were 6 intimate and participatory with drug 7 investigations would be able to make that 8 determination or those statements. 9 Q. You don't have any basis to 10 disagree with that? 11 A. I don't. Although, it also lists 12 in there -- and this would be in trying to -- 13 to recollect from my own experience -- the last 14 sentence there, "2009, a 200 percent increase 15 in one-pot cooks was observed." So I -- I 16 would say that at that point in time 17 methamphetamine was as significant of an issue. 18 Q. Will you turn to the page that 19 end- -- that has the Bates number ending in 20 6859 on the bottom. 21 Do you see the large paragraph in 22 the center of the page there, starts with, 23 quote, "And future federal forfeiture assets 24 that exceed \$135,000 will be distributed to the 25 participating agencies of the SCDU at the time</p>
<p style="text-align: right;">Page 363</p> <p>1 identification.) 2 - - - - - 3 Q. The court reporter has handed you 4 what he's marked as Exhibit 25. It's a 5 document Bates-labeled Summit 76854. 6 Do you recognize this grant 7 application? 8 A. No. 9 Q. Would you have any -- would you 10 have had any involvement in preparing or 11 approving the grant application? 12 A. No. 13 Q. Will you turn to the page -- it 14 says page 3 of 10 in the lower left corner. 15 A. Okay. 16 Q. And do you see where it says, 17 "Problems statement, task force issues"? 18 A. I do. 19 Q. Do you see, "The distribution and 20 abuse of powder and crack cocaine posed the 21 greatest threat to Summit County due to the 22 drug's highly addictive nature, as well as its 23 association with violent crime"? 24 Do you see that? 25 A. I do.</p>	<p style="text-align: right;">Page 365</p> <p>1 assets were seized. For all other federal 2 forfeitures that are less than \$135,000, they 3 will be deposited in the SCDU federal law 4 enforcement trust fund until there is a balance 5 of \$540,000, one year's operating budget"? 6 A. I see that. 7 Q. And then continuing, "At the end of 8 each calendar year, any FLETf assets that are 9 in excess of \$135,000, excluding the \$540,000 10 balance, will be distributed to the 11 participating agencies of the SCDU, depending 12 on whether they are a full-time or a part-time 13 agency." 14 Do you see that? 15 A. Yes, I do. 16 Q. And APD is a participating agency 17 in SCDU; is that right? 18 A. It is. 19 Q. And does reading this refresh any 20 recollection that you have about how forfeiture 21 funds are distributed by SCDU? 22 A. This is more specific information 23 than I've seen before. 24 Q. Do you know whether forfeited funds 25 in the SCDU federal law enforcement trust fund</p>

<p style="text-align: right;">Page 366</p> <p>1 have ever actually exceeded one year's 2 operating budget? 3 A. I do not know that. 4 - - - - - 5 (Thereupon, Deposition Exhibit 26, 6 Document Titled, "For Immediate 7 Release, K9 Unit Receives Narcan 8 Kits from K9s of Valor 9 Organization," AKRON_000323999, was 10 marked for purposes of 11 identification.) 12 - - - - - 13 Q. The court reporter is handing you 14 what he's marked as Exhibit 26. It's a 15 one-page press release, it looks like, under 16 your name, Bates-labeled Akron 323999. 17 Do you recognize this Exhibit 26? 18 A. I do. 19 Q. And earlier you discussed grant 20 money for Narcan that was carried in your 21 patrol units; is that right? 22 A. Uh-huh, yes. 23 Q. And is this award of Narcan kits 24 and care packages donated by K9s for Valor, is 25 that related in any way to the grant that you</p>	<p style="text-align: right;">Page 368</p> <p>1 record at 5:37 p m. 2 (A recess was taken.) 3 THE VIDEOGRAPHER: Back on the 4 record at 6:01 p m. 5 EXAMINATION OF KENNETH R. BALL II 6 BY MR. LEDLIE: 7 Q. Good evening, Chief Ball. 8 A. Hi. 9 Q. Has your knowledge of opioids 10 evolved over time? 11 A. It has. 12 Q. Can you tell me how? 13 A. I've been exposed in -- in 14 different ways. I think a lot of it has to do 15 with, you know, personal contacts that I've had 16 with individuals, or I've heard speakers at 17 different events in meetings or in other venues 18 that have talked about parts of this crisis 19 that I was not familiar with, my background 20 being law enforcement; responding to the 21 overdose calls that come in, trying to address 22 that from a police perspective. What do we do? 23 How do we stem this and get better at it? 24 But the more I was exposed to 25 people and circumstances that were maybe</p>
<p style="text-align: right;">Page 367</p> <p>1 were referencing earlier, or is this something 2 entirely separate? 3 A. It's not. That would be entirely 4 separate. We get -- it's the one unit in the 5 police department where we get donations 6 frequently because people take a special 7 interest in the K9 unit. 8 Q. Do you recall whether K9S For Valor 9 is the organization that was offering Narcan 10 kits that was turned away in 2015? 11 MR. LEDLIE: Object to the form of 12 the question. 13 A. It was on that report. I don't 14 believe that that was the company that was 15 referenced. 16 MR. LOMBARDO: Just take one minute 17 to review my notes. 18 MR. LEDLIE: Oh, of course. 19 MR. LOMBARDO: Okay. That's all I 20 have for today. 21 MR. LEDLIE: I'm going to have a 22 few questions, so we might as well take a 23 break. 24 MS. SAULINO: Okay. 25 THE VIDEOGRAPHER: Going off the</p>	<p style="text-align: right;">Page 369</p> <p>1 outside of it, not everybody that has had an 2 issue with opioid addiction is somebody that 3 comes into contact with police officers. That 4 was something that was not really -- it was not 5 something that I had great familiarity with, 6 that there were problems that were not in a 7 low -- low income area of Akron; that it was 8 exclusive to our residents; that it was 9 something that suburbs and other parts of our 10 community were dealing with as well. 11 Q. Okay. Based on your current 12 understanding of the opioid crisis, have you 13 learned information of any relationship between 14 prescription opioids and illicit opioids? 15 MS. SAULINO: Object to form. 16 A. I have, I believe. Again, either 17 reading an article or hearing somebody talk 18 about the relationship that exists, and some, 19 like, staggering numbers that caught my 20 attention of people that move on to illicit 21 drugs. The significant percentage of those 22 that had started with legal prescriptions was 23 far beyond what my knowledge would have been 24 earlier, or what I would have suspected, even. 25 So I would say, again, at first, I</p>

<p style="text-align: right;">Page 370</p> <p>1 had a -- more of a familiarity with the law 2 enforcement side, more of this issue being 3 about -- about choice and about bad 4 decision-making, and then have come to 5 understand and learn about circumstances, and a 6 high number of circumstances, where there are 7 other contributing factors that are not seedy 8 or, you know, bad neighborhood kind of 9 connected.</p> <p>10 Q. I see. And when -- timeline-wise, 11 when do you think you first learned of a 12 connection that you associated between 13 prescription opioid use and illicit opiate use?</p> <p>14 MS. SAULINO: Object to form. 15 Leading.</p> <p>16 A. Okay. I don't -- I don't know if 17 there was -- I wouldn't point to a date or one 18 fact. I think it's been an accumulation of 19 information or exposure that have reinforced, 20 maybe, from -- again, my -- my perspective, 21 admittedly, to start with, was one that was 22 it's about -- it's about decision-making, poor 23 choices.</p> <p>24 Q. Let me -- let me see if I could ask 25 a better question.</p>	<p style="text-align: right;">Page 372</p> <p>1 department serve on the patrol division? 2 A. Close -- right around 200. 3 Q. Okay. Do officers on the patrol -- 4 A. And I'll -- when you say patrol 5 division, patrol -- the division is a 6 subdivision, so that would include other units, 7 not just patrol. That would include traffic. 8 So some others units, so that number would be 9 slightly more than -- or more than 200.</p> <p>10 Q. Okay. And do -- do these 11 individuals that serve in the -- would that be 12 the uniform division, then? 13 A. Yes, uniform subdivision. 14 Q. Do officers in the uniform 15 subdivision ever interact with individuals 16 committing crimes who are addicted to opiates? 17 A. I think that everybody in patrol 18 deals with those individuals. All of our 19 officers at points in time -- at some points in 20 time have been on overdose calls, but they also 21 are at other calls for services that are -- I 22 believe that are connected to the -- you know, 23 the crisis that we have with addiction. Many 24 different forms of that. 25 For example, we talked earlier</p>
<p style="text-align: right;">Page 371</p> <p>1 Did you have this understanding of 2 the -- the large number of people that start 3 with prescription opiates before using an 4 illicit drug prior to the carfentanil spike in 5 20- -- in the summer of 2016?</p> <p>6 MS. SAULINO: Object to form. 7 A. I would say, yeah, prior to that 8 point in time, that's when -- 2014, when this 9 unit was stood up, started to have more 10 familiarity with it and -- and heard others 11 talk about the way that addiction had impacted 12 their lives.</p> <p>13 But there was, you know, an 14 exclamation point or 10 exclamation points that 15 were put on that issue after July 2016 for -- 16 for me personally, and for my department, I 17 think, as well.</p> <p>18 Q. Okay. In terms -- you were asked 19 some questions about how the opioid crisis has 20 impacted some staffing decisions in your 21 department and which officers may deal with 22 opioid crimes. Do you remember some questions 23 about that?</p> <p>24 A. I do. 25 Q. How many officers in your</p>	<p style="text-align: right;">Page 373</p> <p>1 about some of the property crimes. I know that 2 there's a connection for property crimes and 3 those that are motivated by drug addiction: 4 robberies, assaults, arguments that occur over 5 drugs, and you know, sharing drugs or not 6 sharing drugs.</p> <p>7 Some of the break-ins at pharmacies 8 and home in- -- home invasions where 9 specifically they know that drugs are 10 available, it's actually a persons crime; or a 11 burglary at a home, that's when nobody is 12 present at the home and they're there to steal 13 things and not rob people.</p> <p>14 So it expresses in so many 15 different -- so many different other capacities 16 other than just responding for a call for 17 service, for an overdose call for service or a 18 drug dealing or a drug arrest.</p> <p>19 And we see it in oftentimes people 20 are arrested for other offenses, and then as a 21 part of that, there are -- there are either 22 drugs found on that individual or drug 23 paraphernalia, and that will be a part of the 24 interaction or interview that they would have 25 with an arresting officer, that "I was breaking</p>

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1 into a store and this is the reason that I was,
 2 because I was trying to find money for my next
 3 drug purchase."
 4 Q. So the basis of your understanding
 5 that there was a connection between these other
 6 crimes and opiates was that it's part of the
 7 investigation process that might come out?
 8 MS. SAULINO: Object to form.
 9 A. That's -- that's true, I think. I
 10 don't know what that percentage is, but I know
 11 that it's something that is very common and
 12 that all of our patrol officers would have been
 13 exposed to at times.
 14 Q. Are you aware of a connect- -- of
 15 any instances of violent crimes that had an
 16 opiate connection?
 17 A. Yes. Specifically where we've
 18 had -- not specifically to where I could name a
 19 suspect or a victim, but we have had robberies
 20 that are connected to -- to opioids, assaults,
 21 and other -- other crimes of violence, feuds
 22 between drug dealers that operate in sales of
 23 opioids. So in many different forms.
 24 Q. And you have not personally
 25 calculated those percentages, correct?

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1 A. Right.
 2 MR. LEDLIE: You may have the
 3 witness.
 4 MS. SAULINO: Thanks.
 5 Just a few follow-up questions,
 6 Chief Ball.
 7 EXAMINATION OF KENNETH R. BALL II
 8 BY MS. SAULINO:
 9 Q. I believe you mentioned, in
 10 response to Counsel's question just now, that
 11 your understanding of how individuals become
 12 addicted to different kinds of opioids
 13 originally was informed by your work in the
 14 police department, right?
 15 A. Right.
 16 Q. But then more recently you've read
 17 some articles and -- and -- and gone to some
 18 speeches; is that right?
 19 A. Yeah, I think -- well, I think
 20 probably similar to other people, or
 21 especially something that -- some of it is
 22 unique to law enforcement. But there just has
 23 been an inundation with information about
 24 opioid abuse and the crisis and, you know, how
 25 families are impacted by it.

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1 Q. Okay. And -- and you said, then,
 2 that's where you learned about what you called
 3 this large number of people who start with
 4 prescription drugs and move on to illicit
 5 drugs?
 6 A. True.
 7 Q. That was not through your work with
 8 the police department, right?
 9 MR. LEDLIE: Object to the form of
 10 the question.
 11 A. It -- if I was at a meeting where
 12 that was discussed, I would have been there in
 13 a capacity that was because of my employment
 14 with the police department.
 15 Q. Okay. You don't have any personal
 16 experience knowing that that happened, right?
 17 MR. LEDLIE: Object to the form of
 18 the question.
 19 A. Right. That's not been my personal
 20 experience. I've not been -- I've not
 21 investigated those cases or had a case that --
 22 that I worked on or arrest that I made where
 23 that information was given to me.
 24 Q. So that belief that you hold comes
 25 from reading articles and other types of

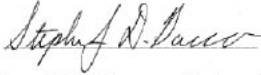
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1 interactions that you've had outside of your
 2 specific profession as a police officer, right?
 3 MR. LEDLIE: Object to the form of
 4 the question. Asked and answered.
 5 A. I --
 6 MR. LEDLIE: Misstates prior
 7 testimony.
 8 A. I don't know if it's semantics, but
 9 if I was at a community health meeting, I would
 10 have been at a community health meeting as a
 11 police officer.
 12 Q. Do you remember a community health
 13 meeting where this was discussed?
 14 A. Yes, I do.
 15 Q. Okay. Can you tell me who was
 16 speaking?
 17 A. I can't recall. I sat in for the
 18 mayor on a large meeting that I know that he
 19 was a -- he was a part of this particular
 20 group. It was -- it was held at the United Way
 21 offices. There were executives from Summa,
 22 from Cleveland Clinic, Akron General, from
 23 Summit County Public Health, from ADM. There
 24 were some business leaders. There were, you
 25 know, some others. Probably about 25 people,

<p style="text-align: right;">Page 378</p> <p>1 maybe, in that meeting. And that's a board, I 2 think, that regularly convenes. I don't know 3 what -- what it's called, but learned a lot of 4 information in there. 5 And have been in other meetings as 6 well where I've heard community health leaders 7 talking about, you know, the way that they've 8 been impacted. 9 I've been at meetings with the 10 director of children's services bureau where 11 she's also spoke -- spoken, Julie Barnes. 12 Q. Okay. I'm specifically asking you 13 about this information that you just conveyed 14 through counsel that you've come to this belief 15 that individuals -- a large number of 16 individuals have started with prescription 17 drugs and moved on to illicit drugs. Where did 18 you learn that, is what I'm asking you. 19 A. It would have been at one of those 20 meetings that I've talked about or reading an 21 article about it, the connection that is made 22 between, you know, illicit drug use and a 23 connection or a percentage that's attached to 24 those that start or become addicted based on 25 prescription medication, legal.</p>	<p style="text-align: right;">Page 380</p> <p>1 time is involved with interaction with -- 2 interacting with individuals with opioids? 3 MR. LEDLIE: Object to the form of 4 the question. 5 A. We probably could, you know, give 6 it a good effort. I don't -- there's a lot 7 involved with it because of all of these other 8 ways that our patrol officers are connected. 9 It -- just again, it wouldn't just 10 be the overdose calls that come in or an 11 overdose -- overdose death investigation. It 12 would be a ton of collateral-type calls that 13 come in. 14 Q. Sure. And can you, then, break 15 those out between legal and illegal drugs? 16 A. I -- I don't have that information 17 right now. 18 Q. Is there any way to do that? 19 MR. LEDLIE: Object to the form of 20 question. 21 A. I'm not certain. 22 Q. And you have no way of being able 23 to say whether any of these individuals, even 24 if they were using illegal drugs, had started 25 with legal drugs, right?</p>
<p style="text-align: right;">Page 379</p> <p>1 Q. You don't know whether it was a 2 meeting or an article? 3 A. I don't know for sure. 4 Q. You don't know the basis for that 5 percentage? 6 A. No, I don't. 7 Q. You have no idea how -- how 8 reliable that percentage is? 9 A. I wouldn't. 10 Q. Okay. 11 A. I would just say that -- yeah. I 12 mean, if I read it in an article, I don't know 13 what the -- I don't know what the source -- or 14 remember what source they were -- they were 15 quoting, or if I heard it in a -- a meeting, 16 the same thing. I wasn't fact-finding. 17 Q. Okay. So that's not something that 18 you have any expertise in, right? 19 A. That's right. 20 Q. Now, Counsel asked you about the 21 involvement of patrol officers interacting with 22 individuals who are addicted to opioids. Do 23 you recall that? 24 A. Correct, yes. 25 Q. Can you quantify how much officer</p>	<p style="text-align: right;">Page 381</p> <p>1 MR. LEDLIE: Object to the form of 2 the question. 3 A. Not from my personal knowledge. 4 Q. You have no statistics that would 5 tell you that, right? 6 MR. LEDLIE: Object to the form. 7 A. I mentioned that I had seen 8 statistics, but they're not my -- 9 Q. No. I mean inside the Akron Police 10 Department. 11 A. No. 12 Q. You -- you don't keep those kinds 13 of statistics? 14 A. Correct. 15 Q. You would have no way of knowing. 16 MR. LEDLIE: Object to the form of 17 the question. 18 A. Right. 19 Q. And the same question with respect 20 to violent crimes having an opioid connection. 21 You don't, sitting here today, have any 22 specific way of quantifying how many violent 23 crimes have an opioid connection? 24 A. Sitting here today, no, I don't 25 have those statistics.</p>

<p style="text-align: right;">Page 382</p> <p>1 Q. Okay. And who would we ask for 2 those? 3 A. We would have to use planning and 4 research and do the queries that I've talked 5 about before. If there's evidence, it collects 6 it on scene, that we could search for by name 7 of product, or if it was mentioned in a 8 narrative on an incident report, that's 9 something that we would look for. 10 Q. Okay. And you haven't done that 11 work, right? 12 A. I have not. 13 Q. Do you know whether anyone has 14 asked -- has been asked to do that? 15 A. I don't know if that was asked 16 during this process or not. 17 Q. And again, you wouldn't be able to 18 accurately quantify between legal and illegal 19 drugs even if you did have those statistics, 20 right? 21 MR. LEDLIE: Object to the form of 22 the question. 23 A. I don't know if we could do that. 24 MS. SAULINO: Okay. I have nothing 25 further for you now.</p>	<p style="text-align: right;">Page 384</p> <p>1 Whereupon, counsel was requested to give 2 instructions regarding the witness's review of 3 the transcript pursuant to the Civil Rules. 4 5 SIGNATURE: 6 Transcript review was requested pursuant to the 7 applicable Rules of Civil Procedure. 8 9 TRANSCRIPT DELIVERY: 10 Counsel was requested to give instructions 11 regarding delivery date of transcript. 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 383</p> <p>1 THE WITNESS: Okay. 2 MR. LEDLIE: Anyone else? 3 (No response.) 4 MR. LEDLIE: Let's go off the 5 record. 6 THE VIDEOGRAPHER: Off the record 7 at 6:17 p.m. 8 (Deposition concluded at 6:17 p.m.) 9 ~ ~ ~ ~ ~ 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 385</p> <p>1 REPORTER'S CERTIFICATE 2 The State of Ohio,) 3 SS: 4 County of Cuyahoga.) 5 6 I, Stephen J. DeBacco, a Notary 7 Public within and for the State of Ohio, duly 8 commissioned and qualified, do hereby certify 9 that the within named witness, KENNETH R. BALL 10 II, was by me first duly sworn to testify the 11 truth, the whole truth and nothing but the 12 truth in the cause aforesaid; that the 13 testimony then given by the above-referenced 14 witness was by me reduced to stenotypy in the 15 presence of said witness; afterwards 16 transcribed, and that the foregoing is a true 17 and correct transcription of the testimony so 18 given by the above-referenced witness. 19 I do further certify that this 20 deposition was taken at the time and place in 21 the foregoing caption specified and was 22 completed without adjournment. 23 24 25</p>

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1 I do further certify that I am not
 2 a relative, counsel or attorney for either
 3 party, or otherwise interested in the event of
 4 this action.
 5 IN WITNESS WHEREOF, I have hereunto
 6 set my hand and affixed my seal of office at
 7 Cleveland, Ohio, on this 12th day of
 8 November, 2018.
 9
 10
 11
 12 
 13
 14 Stephen J. DeBacco, Notary Public
 15 within and for the State of Ohio
 16
 17 My commission expires September 30, 2022.
 18
 19
 20
 21
 22
 23
 24
 25

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1 Veritext Legal Solutions
 2 1100 Superior Ave
 3 Suite 1820
 4 Cleveland, Ohio 44114
 5 Phone: 216-523-1313
 6
 7 November 12, 2018
 8 To: Motley Rice LLC
 9
 10 Case Name: In Re: National Prescription Opiate Litigation v
 11 Veritext Reference Number: 3068993
 12 Witness: Kenneth R. Ball, II Deposition Date: 11/7/2018
 13
 14 Dear Sir/Madam:
 15 Enclosed please find a deposition transcript Please have the witness
 16 review the transcript and note any changes or corrections on the
 17 included errata sheet, indicating the page, line number, change, and
 18 the reason for the change Have the witness' signature notarized and
 19 forward the completed page(s) back to us at the Production address
 20 shown
 21 above, or email to production-midwest@veritext.com
 22
 23 If the errata is not returned within thirty days of your receipt of
 24 this letter, the reading and signing will be deemed waived
 25 Sincerely,
 26 Production Department
 27
 28 NO NOTARY REQUIRED IN CA

Page 388

1 DEPOSITION REVIEW
 2 CERTIFICATION OF WITNESS
 3
 4 ASSIGNMENT REFERENCE NO: 3068993
 5 CASE NAME: In Re: National Prescription Opiate Litigation v
 6 DATE OF DEPOSITION: 11/7/2018
 7 WITNESS' NAME: Kenneth R. Ball, II
 8 In accordance with the Rules of Civil
 9 Procedure, I have read the entire transcript of
 10 my testimony or it has been read to me
 11 I have made no changes to the testimony
 12 as transcribed by the court reporter
 13
 14 Date Kenneth R. Ball, II
 15 Sworn to and subscribed before me, a
 16 Notary Public in and for the State and County,
 17 the referenced witness did personally appear
 18 and acknowledge that:
 19 They have read the transcript;
 20 They signed the foregoing Sworn
 21 Statement; and
 22 Their execution of this Statement is of
 23 their free act and deed
 24
 25 I have affixed my name and official seal
 26 this _____ day of _____, 20____
 27
 28 Notary Public
 29
 30 Commission Expiration Date
 31
 32
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1 DEPOSITION REVIEW
 2 CERTIFICATION OF WITNESS
 3
 4 ASSIGNMENT REFERENCE NO: 3068993
 5 CASE NAME: In Re: National Prescription Opiate Litigation v
 6 DATE OF DEPOSITION: 11/7/2018
 7 WITNESS' NAME: Kenneth R. Ball, II
 8 In accordance with the Rules of Civil
 9 Procedure, I have read the entire transcript of
 10 my testimony or it has been read to me
 11 I have listed my changes on the attached
 12 Errata Sheet, listing page and line numbers as
 13 well as the reason(s) for the change(s)
 14 I request that these changes be entered
 15 as part of the record of my testimony
 16
 17 I have executed the Errata Sheet, as well
 18 as this Certificate, and request and authorize
 19 that both be appended to the transcript of my
 20 testimony and be incorporated therein
 21
 22 Date Kenneth R. Ball, II
 23 Sworn to and subscribed before me, a
 24 Notary Public in and for the State and County,
 25 the referenced witness did personally appear
 26 and acknowledge that:
 27 They have read the transcript;
 28 They have listed all of their corrections
 29 in the appended Errata Sheet;
 30 They signed the foregoing Sworn
 31 Statement; and
 32 Their execution of this Statement is of
 33 their free act and deed
 34 I have affixed my name and official seal
 35 this _____ day of _____, 20____
 36
 37 Notary Public
 38
 39 Commission Expiration Date
 40
 41
 42
 43
 44
 45

<div data-bbox="769 153 852 180" data-label="Page-Header"><p>Page 390</p></div> <div data-bbox="248 184 821 1031" data-label="Text"><p>1 ERRATA SHEET 2 VERITEXT LEGAL SOLUTIONS MIDWEST 3 ASSIGNMENT NO: 11/7/2018 3 PAGE/LINE(S) / CHANGE /REASON 4 _____ 5 _____ 6 _____ 7 _____ 8 _____ 9 _____ 10 _____ 11 _____ 12 _____ 13 _____ 14 _____ 15 _____ 16 _____ 17 _____ 18 _____ 19 _____ 20 Date Kenneth R. Ball, II 21 SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ 22 DAY OF _____, 20_____. 23 _____ 24 Notary Public 25 _____ Commission Expiration Date</p></div> <td data-bbox="857 142 1481 1039"></td>	

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF SEPTEMBER 1, 2016. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

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